

THE HARROGATE  
IMPROVEMENT ACT,  
BEING  
AN ACT

FOR IMPROVING CERTAIN PARTS OF THE TOWNSHIPS OF  
BILTON WITH HARROGATE, AND PANNAL,  
CALLED  
HIGH AND LOW HARROGATE,  
FOR PROTECTING THE MINERAL SPRINGS,  
AND FOR OTHER PURPOSES THEREIN MENTIONED;

*(Verbatim from the Parliamentary Copy.)*

WITH A VERY COPIOUS AND ACCURATE  
INDEX.

PREPARED BY THE SOLICITOR FOR OBTAINING THE ACT

---

TO WHICH ARE ADDED

THE VARIOUS BYE-LAWS

AUTHORISED BY THE SAID ACT;

AND NUMEROUS EXTRACTS FROM THE SEVERAL

Acts for the Enclosure of the Forest of Rinesbrough,

AND

THE AWARD,

MAD IN PURSUANCE THEREOF

---

HARROGATE.

PRINTED AND SOLD BY LOCKERSON'S PUBLISHER, ADVERTISER OFFICE.

1845.

25,590 / B

L. LXIII. 14

11

Green Bay, Wisconsin Statutes





THE HARROGATE  
IMPROVEMENT ACT,  
BEING  
AN ACT

FOR IMPROVING CERTAIN PARTS OF THE TOWNSHIPS OF  
BILTON WITH HARROGATE, AND PANNAL,  
CALLED  
HIGH AND LOW HARROGATE,  
FOR PROTECTING THE MINERAL SPRINGS,  
AND FOR OTHER PURPOSES THEREIN MENTIONED;

*(Verbatim from the Parliamentary Copy;)*

WITH A VERY COPIOUS AND ACCURATE  
INDEX,

PREPARED BY THE SOLICITORS FOR OBTAINING THE ACT.

---

TO WHICH ARE ADDED  
THE VARIOUS BYE-LAWS

AUTHORISED BY THE SAID ACT;

AND NUMEROUS EXTRACTS FROM THE SEVERAL

Acts for the Enclosure of the Forest of Rnaresbrough,

AND

THE AWARD,

MADE IN PURSUANCE THEREOF.

---

HARROGATE:  
PRINTED AND SOLD BY PICKERSGILL PALLISER, ADVERTISER OFFICE.

1845.

32658



## ADVERTISEMENT.

---

The "*Harrogate Improvement Act*" has been reprinted at the request of several Gentlemen who have represented to the Publisher the great necessity which existed for a cheap and portable edition.

A very *copious* INDEX, prepared by Messrs. Powell and Sons, Solicitors for obtaining the Act, has been added, by the aid of which any particular Section of the Two Hundred and Thirty Six Clauses comprising the Act, may be immediately referred to.

Messrs. Powell have also kindly furnished the Publisher with numerous Extracts from the Forest Inclosure Acts, and the Award authorized thereby, which it is hoped will be found of great service to all Owners of Property, Public Officers and others, interested in preserving and maintaining the rights and privileges belonging to the Copyholders and the Public, statedly or occasionally, resident within the Constableries of Bilton-with-Harrogate and Pannal.

To Mr. S. Powell, Jun., (one of the Under-Stewards of the Forest Courts,) who has rendered valuable aid in selecting and collating the various Extracts, the Publisher records his grateful acknowledgments.

*Post Office, Harrogate, March, 1845.*



Digitized by the Internet Archive  
in 2017 with funding from  
Wellcome Library

<https://archive.org/details/b29322807>



# HARROGATE IMPROVEMENT ACT;

## EXTRACTS FROM THE ACTS FOR THE INCLOSURE OF THE FOREST OF KNARESBROUGH, AND THE AWARD THEREUNDER.

---

### INDEX.

	PAGE.
Abatement of Nuisances, Commissioners may order	67
Penalty for neglecting .. .. .	68
Accounts. Officers to account for all moneys, &c.	39
Books of, to be kept by Clerk .. ..	40
May be inspected and extracts taken there- from .. .. .	40
To be settled and examined at annual meeting .. .. .	41
Final, unless appealed against, at next Quarter Sessions .. .. .	41
Notice, with grounds, to be given to Clerk	41
Statement of, to be prepared and open for inspection .. .. .	41
Statement of, to be printed and furnished on demand .. .. .	41
Abstract of, to be prepared annually ..	43
Act. Limits of, defined .. .. .	23 to 26
Acts relating to the Forest Inclosure .. ..	119
Extracts from, viz.	
Eleven Constableries named .. ..	119
Directions for Commissioners to set out Stone quarries, Watering places, &c.	120
Stray or 200 acres as a stinted pasture ..	121
Award and plan as to its contents and deposit .. .. .	122
Mines, Minerals, and Quarries, reserved to His Majesty .. .. .	123
Rents, services, and courts, &c., the like	123

Acts &c., Extracts from, *continued.*

Quarries of Stone and Trees to belong Landowners .. .. .	123-4
Damages in making Mines and Quarries, how ascertained .. .. .	123
Heriots abolished and money payments substituted .. .. .	124
What to be deemed a customary Acre ..	125
Lands to be set out in lieu of Tithes ..	125
For protecting Spaws .. .. .	126
Allotments to Knaresbrough and Scriven Commissioners to make Rules for preventing abuses on Stray, Draining and improving same, & protection of Spaws &c.	141-2-3
Action may be maintained by, or against, Commissioners .. .. .	35
May be brought by, or against, two Commissioners or Clerk .. .. .	35
Not to abate by death &c. of Commissioners or Clerk .. .. .	36
Tender of amends .. .. .	48
Adjustment between Owners and Occupiers ..	66
Annuity. Commissioners may raise money by ..	44
Form of grant of, and assignment of ..	105
For preventing improvident grants of ..	44
Register of, to be kept and to be open to inspection .. .. .	45
Assignment of, to be registered .. ..	45
Appeal against order to abate Nuisance .. ..	68
Against accounts, notice thereof how to be given .. .. .	41
By auditors against accounts, the like ..	42
Parties may, to Quarter Sessions against Rate &c. .. .. .	85-102
Quarter Sessions may amend, confirm, or quash Rates, &c., &c. .. .. .	89-103
Parties to give security .. .. .	102
Application of Rates .. .. .	89
Of Penalties .. .. .	100
Of Moneys deposited of parties under disability .. .. .	50
Order for .. .. .	51
Assessor may be appointed .. .. .	37
Assessments. (See Rates.)	
Assignment of Mortgage and Annuities .. ..	45

	PAGE.
Auditors may be appointed .. ..	42
Qualification and disability of .. ..	42
To make declaration .. ..	42
To inspect Accounts, Vouchers, Books &c.	42
May appeal to Quarter Sessions .. ..	42
Award on Inclosure of Forest, date of .. ..	119-127
Of Stone Quarries .. ..	127-128
Watering places .. ..	128
Turnpike roand .. ..	129
Highways .. ..	130
Carriage Roads .. ..	131
Foot Roads .. ..	133
Stray or 200 Acres as a stinted Pasture	134
Pasture Gates, owners and rights of .. ..	89-135
Limits and bounds of Stray .. ..	136
Land to the Poor of Harrogate .. ..	137
Land to the Poor of Pannal .. ..	138
Money payments for charitable uses .. ..	138
Fences, Ditches, width of .. ..	139
Herbage of Roads to be let .. ..	140

## B

Bankrupt not to be a Commissioner .. ..	27
Banks, Fences, &c., how to be repaired &c. ..	121
Bills not to be posted or affixed without consent ..	73
Blacksmiths' Forges' doors and windows of, to be closed after sunset .. ..	69
Penalty for not .. ..	69
Boiling House (See Nuisance.)	
Bonfires not to be made .. ..	72
Book of Proceedings to be evidence .. ..	35
To be open to inspection of Commissioners or Creditor .. ..	35
Penalty on Clerk's refusal .. ..	35
Copy of Contracts to be entered in .. ..	35
Of Account to be kept by Clerk .. ..	40
May be inspected and extracts taken there- from .. ..	40
Penalty on Clerk's refusal .. ..	40
Bottling of Water, regulations respecting .. ..	55-109
Boundaries of Stray .. ..	136
Building, hoards and lights to be set up during ..	64
Materials, &c., penalty for continuing deposits of .. ..	65
Certain, not to be rated .. ..	84

Building, dangerous to passengers, how to be repaired &c. . . . .	65
Bye-Laws may be made by the Commissioners to govern themselves and their Servants . .	47
Fines for breach of . . . . .	47
For management & protection of Wells 77-108 to	110
Penalty for enforcing . . . . .	77
Confirmation and publication of . . . . .	78
Penalty for damaging Boards for publication of . . . . .	78
Hackney Coaches, regulating of. (See Hackney Coaches.) . . . . .	111
Of Stray Owners, to be made respecting Stray . . . . .	92 and 116
Penalty for disobedience of . . . . .	92
To be filed in Honor Court of Knaresbro'	93

## C

Candle House. (See Nuisance.)	
Carriage standing longer than necessary . .	71
Riding on, without reins . . . . .	70
Places for weighing . . . . .	74
Cattlegates. (See Straygates.)	
Cattle not to be exposed for sale, &c. except in Market	70
Ill-usage and slaughtering of . . . . .	70
Found upon Stray, to be impounded . . . . .	96
Power to sell for penalty and expences . .	96
Rescue of, to be committed for 3 months	97
Causeways. (See Footroads.)	
Cellar Doors, coverings to be made for, and kept in repair . . . . .	63
Penalty for neglect . . . . .	63
Charitable uses, money payments for . . . . .	138
Chalybeate Wells, usage and scale of charges for . .	108
Clerk of the Commissioners. how appointed . .	37
And Treasurer, offices to be separate . . . . .	37
Taking fees, penalty for . . . . .	38
Penalty for refusing to permit inspection of proceedings . . . . .	35
To prefer Indictments, &c. . . . .	36
May sue or be sued . . . . .	36
Actions not to abate by death of . . . . .	36
Indemnity to . . . . .	37
To keep Books of account and to permit inspection, &c. . . . .	40

Clerk of the Commissioners to furnish printed copy of accounts on demand .. ..	41
To produce accounts, vouchers, &c., to Auditor .. ..	42
To keep register of Mortgages, &c. ..	45
To keep register of Licences to Hackney Coaches .. ..	75
Fee on Licensee .. ..	76
Clerk of Peace, Annual Account to be transmitted to	43
Clothes Lines not to be put in Streets .. ..	71
Coaches. (See Hackney Coaches.)	
Coffee Shops, keepers of, harbouring disorderly persons .. ..	82
Keepers of, convicted, to be open to Police at all times .. ..	82
Collector. (See Officer.)	
Commissioners' Jurisdiction, style and Election of	26
Qualification of .. ..	27
Same property not to give two qualifications	27
No bankrupt or insolvent to be a ..	27
No person holding office or concerned in a contract to be a .. ..	27
Shareholders in companies established under Act of Parliament not disqualified by reason of contracts .. ..	27
Not incapable of acting as a Justice ..	28
Creditors on rates, may be .. ..	28
Not to act without first making a declaration	28
Form of .. ..	28
False declaration, a misdemeanor ..	29
Declaration to be taken the first meeting	29
Penalty for acting, not being qualified ..	29
Refusing or neglecting to act .. ..	29
One third to go out annually, but re-eligible	30
Qualifications of electors .. ..	30
Meeting for election of, when .. ..	31
Lists of persons eligible, to be made out before each election .. ..	31
Mode of conducting elections .. ..	31
Result of election of .. ..	31
List of, to be published, and copy sent to each one elected .. ..	32
Vacancies, mode of supplying ..	32
General and special meeting of, and expenses at .. ..	33



	PAGE.
Commissioners, Seven to form a quorum .. ..	33
How notices of meetings are to be given	33
General Meeting may appoint Committees	33
Order of business at meetings of Commis- sioners and Committees .. ..	34
No resolution to be revoked at a subse- quent meeting unless under certain circumstances .. ..	34
Orders and proceedings to be entered in a Book, and to be evidence, and open to inspection .. ..	34
Contracts may be made .. ..	35
Materials for works contracted for, vested in	35
Indictments, how to be preferred ..	36
Not to be personally liable; liability of funds	36
May sue or be sued, in the names of any two, or their Clerk .. ..	36
Actions not abate by death of .. ..	36
Execution against goods of .. ..	37
Indemnity to, and Clerk .. ..	37
To appoint Treasurer and other officers ..	37
To take security from all officers entrusted with money .. ..	38
To prepare abstract of accounts annually and transmitted to Clerk of Peace ..	43
Power to borrow on mortgage .. ..	43
Form of mortgage .. ..	104
Mortgages to be without preference ..	44
May raise money by annuity .. ..	44
Form of grant of .. ..	105
Power to borrow money at a less rate of Interest .. ..	46
May make Bye-Laws to govern themselves and their servants, and impose penalties	47
May grant releases to witnesses .. ..	48
Power to purchase lands, &c. .. ..	49
To give notice to persons sinking Wells, &c	56
To fill up excavations, and expences in- curred, how repaid .. ..	56
To enter lands to view the opening of Wells .. ..	57
May flag or pave Footways .. ..	58
May fence Footways .. ..	58
Power to construct common Sewers ..	58
To number Houses and name Streets ..	59

	PAGE.
Commissioners to cause future projections to be removed on notice .. .. .	59
Existing projections to be removed and compensation made .. .. .	60
To alter Gates &c. opening outwards ..	60-61
Where Houses taken down, may take land to improve Streets .. .. .	61
May take down Houses built contrary to this Act .. .. .	62
To repair or inclose dangerous places and charge expences thereof to owner ..	65
To execute works &c. required to be done by parties and charge them with expence thereof .. .. .	65
To cleanse and water streets .. ..	67
Power to light streets with consent of ratepayers .. .. .	73
Power to provide market-places .. ..	74
Power to appoint constables .. ..	79
May provide offices, &c. .. ..	80
May make Rules for regulating conduct of constables .. .. .	80
May license Hackney Coaches, &c. ..	75
To make rates for defraying expences of obtaining Act .. .. .	82
To make rates annually to carry Act into execution .. .. .	82
May increase rates with consent of ratepayers.. .. .	83
Power to inspect poor rates .. ..	84
May amend and remit rates .. ..	85-86
Committees may be appointed .. .. .	33
Quorum of, and order of business at meetings of .. .. .	34
Committee of Stray Owners. (Sec Stray Owners.)	
Commitment not to discharge sureties .. ..	40
Compensation to be made to persons injured by making common Sewers, &c. .. ..	59
On removing existing projections .. ..	60
To be made to owner for setting back projecting Houses .. .. .	61
Constable, appointment of, and how sworn in ..	79-80
May be dismissed or suspended for neglect of duty .. .. .	80
Penalty on persons assaulting .. ..	81

	PAGE.
Constables, Rules to be made for regulating the conduct of .. .. .	80
Penalty for disobedience of .. ..	80
Duties of, penalty for neglect of, and rewards to .. .. .	80-81
Power to enter certain Houses .. ..	82
To assist in making distress .. ..	86
Contract, no person concerned in, or holding office, to be a Commissioner .. .. .	27
How to be made, and entered .. ..	35
How to be signed and suits thereon .. ..	35
Materials for works contracted for, how considered .. .. .	35
Conveyance, form of .. .. .	106
Conviction, form of .. .. .	107
Costs in cases of money deposited .. ..	53
On appeal to Quarter Sessions, Court to make order .. .. .	102
Creditor may inspect proceedings, and penalty on Clerk's refusal .. .. .	35
<b>D</b>	
Damages in making mines, &c., how ascertained	123
To be ascertained with the penalty .. ..	97
Provisions for, not otherwise provided for	98
Damaging Hackney Coaches, penalty for .. ..	76
Dangerous places to be repaired or inclosed .. ..	65
Declaration, Commissioner not to act without first making .. .. .	28
Form of .. .. .	28
False, a misdemeanor .. .. .	29
Commissioners to make at first Meeting	29
By Auditors before entering on their office	42
Valuer of rates to make .. .. .	84
Deposit of money. (See disability.)	
Disability, parties under, enabled to sell and convey	49
Purchase money, amounting to £200, where deposited .. .. .	50
Application of Moneys .. .. .	51
Or invested in Trustees, sums from £20 to £200 .. .. .	51
Distress, rates to be recovered by .. .. .	85
Form of warrant of .. .. .	86
Constables to assist in making .. .. .	86
Penalties to be levied by .. .. .	99



Distress, Imprisonment in default of, or until return made .. .. .	100
How to be levied .. .. .	102
Not to be unlawful for want of form ..	102
Ditches, award of width, under Inclosure .. ..	139
Dogs, penalty for suffering to go at large after notice	68
Suspected to be mad may be destroyed ..	68
Mad, to be at large, penalty for suffering ..	69
Doors in future to be made to open inwards ..	61
Opening outwards to be altered .. ..	61
Coverings to be made for cellars ..	63
Drains &c., set out under the Forest Inclosure, cleansing of, &c. .. .. .	121
Power to construct .. .. .	58
Compensation to be made .. ..	59
Communication of private drains ..	59
Occupiers to repair private drains ..	59
Underground, to be formed from houses	62
And vaults to be substantially made ..	63
And vaults to be kept in repair by occupier; if not, penalty for .. ..	63
Drivers, for negligence or misbehaviour .. ..	70
For riding upon carts, &c., without reins	70
Riding or driving furiously .. ..	70
For riding, drawing, or driving on footway	71
Dunghill. (See Nuisance.)	

## E

Election of Commissioners .. .. .	26
Mode of conducting .. .. .	31
Result of .. .. .	31
Mode of supplying vacancies .. ..	32
Electors, qualification of .. .. .	30
Excavations, power for Commissioners to fill up, penalty for obstructing. Expenses incurred, how to be repaid .. ..	56
Or deposits of building materials, penalty for not lighting .. .. .	64
Penalty for continuing an unreasonable time .. .. .	65
Execution against goods of Commissioners ..	37
Expenses at meetings .. .. .	33
Of mortgages and annuities .. ..	45
Of repairing &c., dangerous places, owner to pay .. .. .	65

Expences, Commissioners may recover for execution of works in default of parties liable ..	65
And penalty, power to sell stray cattle for	96
Evidence, orders and proceedings to be entered in a book, and to be .. .. .	34

F

Fare. (See Hackney Coaches.)	
Fees, officer taking improper, to loose office and forfeit £50 .. .. .	38
On licensing Hackney Coaches .. ..	76
On registering transfers .. ..	45
Fences. Hedges, ditches, &c., to be set out under Forest Inclosure .. .. .	121
Award of width of .. .. .	139
(See also Hoards and Footroads)	
Fireworks or bonfires not to be let off or made ..	72
Footroads, award of, under Inclosure .. ..	133
Footways may be flagged .. .. .	58
To be kept in repair by the Commissioners .. .. .	58
Commissioners may place fences to ..	58
Occupiers to cause footways to be swept	67
Commissioners may cause footways to be swept .. .. .	67
Form of mortgage .. .. .	104
Of grant of annuity .. .. .	105
Of transfer .. .. .	105
Of conveyance .. .. .	106
Of warrant of distress .. .. .	106
Of conviction .. .. .	107
Of declaration by Commissioners ..	28
Foundation, &c., to dwellings, may be dug within 300 yards of the old Sulphur Wells	57
Funds of Commissioners, liability .. ..	36

G

Gates to open inwards .. .. .	60
Opening outwards to be altered .. ..	61
Goods, Penalty on leaving or placing on footway	71
Exposing for sale on footway .. ..	71

H

Hackney Coaches, to be licensed .. ..	75
Licence to be in force for one year ..	75
Licences to be registered .. ..	75

Hackney Coaches, Fee on licence .. ..	76
Licence may be suspended or revoked for misconduct .. ..	76
Penalty for plying without .. ..	76
Penalty for refusing to pay the fare ..	76
Penalty for damaging .. ..	76
Bye-Laws for regulating .. .. 76-111 to	115
Handbills not to be posted without consent ..	73
Hedges. (See Fences.)	
Herdsmen to be appointed .. ..	94
Heriots, abolishing of, under Inclosure .. ..	124
Houses to be numbered and Streets named ..	59
Where taken down, Commissioners may take land to improve streets .. ..	61
Projecting, when taken down to be set back .. ..	61
Built contrary to the Act, to be taken down	62
May be set forward .. ..	62
Water spouts to be affixed to .. ..	62
Under-ground drains to be formed from	62
Inclosure of small slips in front of ..	95
I	
Impound, stray cattle, power to .. ..	96
Imprisonment, in default of distress .. ..	100
Inclosure of slips in front of houses .. ..	95
Indecent exposure of the person .. ..	72
Indemnity to Commissioners and Clerk .. ..	37
Indictments, how to be preferred .. ..	36
Nothing herein contained to prevent ..	97
Informalities .. ..	101
Informers to have half of penalties .. ..	100
Insolvent not to be a Commissioner .. ..	27
Interest on mortgages to be paid half yearly ..	45
Money may be taken at a less rate of ..	46
Interpretation clause .. ..	103
J	
Jurisdiction of Commissioners .. ..	26
Justice, being a Commissioner, not incapable of acting .. ..	28
Not disqualified by being liable to rates ..	99
Power to enforce payment of rates by dis- tress .. ..	85
Justices, power to remit rates .. ..	86
Power to recover penalties .. ..	99

	PAGE.
Justices may administer oath .. .. .	100
Officers failing to account, may be dealt with by .. .. .	39
<b>K</b>	
Kites, against flying . . . . .	72
<b>L</b>	
Land, Commissioners power to purchase ..	48
Party in possession deemed to be the owner	53
Commissioners to enter, to view the open- ing of wells, &c., in .. .. .	57
Compensation to be made for .. .. .	59
Commissioners may take, where houses taken down to improve streets ..	61
Award of, to Poor of Harrogate .. ..	137
Award of, to the Poor of Pannal .. ..	138
Language, using abusive .. .. .	72
Liability to rates, not to disqualify witnesses or justices .. .. .	99
Licence. (See Hackney Coaches.)	
Light the streets, power to Commissioners to ..	73
Lighting, deposits of building materials or excava- tions, penalty for not .. .. .	64
Limits of the Act defined .. .. .	23-24-25-26
List of present stray owners .. .. .	144
<b>M</b>	
Majesty, saving the rights of .. .. .	103
Management of Chalybeate Wells, usage and scale of charges for .. .. .	108
Manure heap. (See Nuisance.)	
Market place, Commissioners or others empowered to provide .. .. .	74
Notice to be given of opening .. ..	74
Sale elsewhere prohibited .. .. .	75
Materials for works contracted for, whose property	35
Building. deposits of, or excavations, penalty for not lighting .. .. .	64
Building deposits, penalty for keeping an unreasonable time .. .. .	65
Meetings for election of Commissioners .. ..	31
General and special, of Commissioners and expences at .. .. .	32-33
How notices of, are to be given .. ..	33
General, may appoint Committees .. ..	33

Meeting, order of business at .. .. .	34
No resolution of, to be revoked at a subsequent meeting, unless under certain circumstances .. .. .	34
Notice of, before examining and settling annual accounts .. .. .	42
Of stray owners, and notice of .. .. .	90
Of the Committee of stray owners .. .. .	91
No resolution valid, unless at a .. .. .	91
Election of chairman at .. .. .	91
Mode of voting at .. .. .	91
Special, of stray owners .. .. .	95
Melting House or place. (See Nuisance.)	
Mineral springs and public wells. (See Wells.)	
Mines and minerals, whom the property of .. .. .	123
Money, recovery of, from Commissioners .. .. .	98
Commissioners power to borrow on mortgage .. .. .	43
Commissioners may raise by annuity .. .. .	44
May be taken up at a less rate of interest .. .. .	46
Application of, to be borrowed .. .. .	47
Officers intrusted with, to give security .. .. .	38
Deposited, application of, & costs in cases of .. .. .	50-53
Court of Exchequer may direct investment or payment of .. .. .	52
Mortgage, power to borrow on, and form of .. .. .	43-104
To be without preference .. .. .	44
Expenses of .. .. .	45
Register of to be kept, and to be open to inspection .. .. .	45
Assignment of, and form of .. .. .	45-105
Interest on, to be paid half-yearly .. .. .	45
Mode of paying off .. .. .	46

## N

Notices of meeting, how to be given .. .. .	33
Of meeting for examining and settling annual accounts .. .. .	42
On Commissioners and Committee of stray owners, service of .. .. .	47
Authentication of .. .. .	48
Of opening markets .. .. .	74
Of meeting of stray owners .. .. .	90
Of intention to apply for confirmation of Bye-Laws .. .. .	73



Nuisances, Commissioners may order to be abated	67
Penalty for disobedience of Commissioners' orders .. .. .	68
Necessary House. (See Nuisancee.)	

## O

Oath may be administered by a Justice .. ..	101
Obstructions. (See Projections.)	
Occupier or owner to convey water from buildings by under-ground drains .. ..	62
Adjustment between .. .. .	66
To keep drains in repair .. ..	63
To make coverings for cellar doors ..	63
To recover against owners in certain cases	66
To cause foot-ways to be swept .. ..	67
May be rated .. .. .	85
Under existing leases, to repay the owner	87
To pay, in default of owner .. ..	87
Offencees, certain mentioned, penalty for .. .. 69 to	73
Offensive matter, penalty for conveying at improper time	61
Offenders, transient .. .. .	101
Officers & Treasurer to be appointed by Commissioners	37
Taking fees, penalty for .. .. .	38
Intrusted with money, to take security from	38
To account .. .. .	39
Failing to account, remedy against ..	39
Commitment, not to discharge sureties ..	40
Bye-Laws may be made for regulating the conduct of .. .. .	47
Reimbursement of Treasurer .. ..	98
Offices of Clerk and Treasurer to be separate ..	37
Orders and proceedings to be entered in a book, and to be evidence .. .. .	34
Owners and occupiers, adjustment between ..	66
Required to do certain works, and remedy in default .. .. .	65
To be deemed occupiers in certain cases	67
To pay rates in certain cases .. ..	87
Unknown, not necessary to name ..	87
Not paying rates for six months, occupier to pay .. .. .	87
To repay occupiers .. .. .	88
Party in possession, deemed the ..	53
May appeal to Quarter Sessions, on giving security .. .. .	102

Owners liable, in default of, Commissioners may execute works and recover expences..	65
--	----

P

Penalty, for holding the offices of Clerk and Treasurer	37
And loss of office, on officers taking fees	38
On Commissioners acting, not being qualified	29
For sinking wells, &c., after notice ..	56
For gates, &c., not opening inwards ..	61
For drains not being kept in repair ..	63
For not making or repairing coverings for cellar doors .. .. .	63
For not providing hoards and lights during repairs .. .. .	64
For not lighting building materials or excavations .. .. .	64
For continuing same an unreasonable time	65
On occupiers not causing footways to be swept	67
For disobedience of Commissioners' orders	68
On suffering dogs to go at large after notice	68
For suffering mad dogs to be at large ..	69
For conveying offensive matter at improper times .. .. .	69
For not closing after sunset, doors and windows of Blacksmiths' Forges ..	69
For selling elsewhere than in markets ..	75
For plying Hackney Coaches without licence .. .. .	76
For refusing to pay the fare .. ..	76
For damaging the coach .. ..	76
For enforcing Bye-Laws .. ..	77
For damaging boards for publication of Bye-Laws .. .. .	79
On Constable for disobedience of Commissioners' orders .. .. .	80
On Constable for neglect of duty ..	81
On persons assaulting Constables ..	81
On Coffee shopkeepers harbouring disorderly persons .. .. .	82
For refusing inspection &c. of Poor rates	84
For disobedience of Bye-Laws of Stray-owners .. .. .	92
To be summarily recovered before one Justice	99
To be levied by distress .. ..	99
Imprisonment in default of .. ..	100

	PAGE.
Penalty, Application of .. .. .	100
To be sued for within Six Months ..	100
On witnesses making default .. ..	101
Penalty of not more than 40s. for any of the fol- lowing offences committed in any street within the limits of this Act, viz:— ..	70-71-72
For exposing animals &c., or repairing carts &c.	
For suffering ferocious dogs to be at large.	
For improper driving of cattle.	
For slaughtering cattle.	
For riding upon, or negligently driving carts.	
For furiously riding or driving.	
For obstructing thoroughfares &c.	
For drawing timber without a carriage.	
For riding, drawing, or driving on footway.	
For placing furniture &c. on footway.	
For exposing goods for sale on footway.	
For rolling casks &c. on footway.	
For letting goods &c. remain longer than necessary.	
For placing lines or hanging clothes.	
For carrying carcases uncovered.	
For Prostitutes loitering or soliciting.	
For indecent exposure.	
For selling, &c., indecent books, songs, and pictures.	
For using threatening or abusive language.	
For discharging firearms or fireworks.	
For wantonly ringing of door bells &c.	
For flying kites or playing games.	
For hooping casks, &c.	
For laying rubbish.	
Penalty of not more than Forty Shillings for cer- tain other offences, viz:— .. ..	73
For sticking bills or injuring walls, fences, &c.	
For leaving open vaults, &c.	
For throwing litter &c. into the streets or wells	
For placing or keeping offensive matter within one hundred yards of a dwelling	
Person, indecently exposing .. .. .	72
Persons quitting before payment of rates, remedy against .. .. .	88
Entering on unoccupied property to pay a portion of the rate .. .. .	88



Places. (See dangerous places.)	
For weighing carts and carriages ..	74
Plying without licence. (See Hackney Coaches.)	
Poor rate. (See Rate.)	
Poor of Bilton-with-Harrogate, Land awarded to the	137
Poor of Pannal, Land awarded to the .. ..	138
Poundbreach, or rescue, persons guilty of .. ..	97
Proceedings to be entered in a book & to be evidence	34
Open to inspection of Commissioners or	
Creditors on rates .. ..	35
At law or in Equity, service of, on Com-	
missioners or Committee of Stray owners	47
Not to be quashed for want of form ..	101
At Law, nothing herein contained to prevent	97
Projections, certain, to be removed on notice ..	59
certtain, to be removed and compensation	
made .. ..	60
Projecting Houses, when taken down, to be set back	61
Property, valuation of, according to Poor rate ..	84
If deemed unfair, a valuation to be made	84
Certain, not to be rated .. ..	84
Same, not to give two qualifications ..	27
Prostitutes being in any public place, penalty on	72
Protecting Wells &c., regulations for .. ..	54 & 126
Provision for damages, not otherwise provided for ..	98
Public Meeting. (See Meetings.)	
Public to have free access to Pump outside Pump	
Room, free of any charge .. ..	55
Public Wells or Springs, Bye-Laws for .. ..	108
Publication of Bye-Laws and proof of .. ..	78-79
Pump Room to be erected .. ..	54
Charge for persons using .. ..	55
Pump outside to be provided for the public free of	
any charge .. ..	55
Purchase lands, &c., power to .. ..	49

## Q

Qualifications of Commissioners .. ..	27
of electors. .. ..	30
Quarries. (See Stone Quarries.)	
Quarter Sessions to confirm Bye-Laws .. ..	78
On appeal to, may amend rate .. ..	89
Parties may appeal to, on giving security	102
To make such order as considered reason-	
able with costs .. ..	102

	PAGE.
Quorum of Commissioners and of Committees ..	33-34
<b>R</b>	
Rate Payers may inspect annual accounts, &c. ..	41
may appoint auditors .. ..	42
Rate, what may be made annually .. ..	82-83
Commissioners power to borrow money on mortgage of .. ..	43
To be vested in the Commissioners ..	83
Certain buildings not to be rated ..	84
Value of property to be according to Poor rate .. ..	84
Poor rates to be open to inspection by Commissioners .. ..	84
If Poor rate an unfair criterion, a valua- tion to be made .. ..	84
Valuer to make a declaration .. ..	84
Books to be evidence .. ..	85
May be amended .. ..	85
Occupiers may be rated if they think fit..	85
To be recovered by action or distress ..	85
Form of warrant of distress .. ..	106
Constables to assist in making distress ..	86
Power to Commissioners or Justices to remit	86
Owners to pay in certain cases .. ..	86
Not necessary to name the owner when unknown .. ..	87
Receiver of rents to be deemed the owner	87
Tenants under existing leases to repay the owner .. ..	87
In default of owner for six months, occu- pier to pay .. ..	87
Owner to repay the occupier .. ..	88
Remedy against persons quitting before payment of .. ..	88
To be apportioned on holder quitting ..	88
Persons entering on unoccupied property to pay a portion of .. ..	88
Commissioners may be creditors on ..	28
On appeal Quarter Sessions may amend..	89
Application of .. ..	89
Upon Strayowners .. ..	93
Recovery of by distress .. ..	93
In default of distress, Stray Gate to be let	94
Register of mortgages and annuities to be kept ..	45

	PAGE.
Register of transfers to be kept .. ..	45
Releases to witnesses .. ..	48
Rent, suits and services, reservation of .. ..	123
Rents, receiver of, to be deemed the owner ..	87
Repairs, hoards to be set up during .. ..	64
Repair private drains, occupier to .. ..	59
Vaults and drains to be kept in .. ..	63
Resolution of Commissioners not to be revoked at a subsequent meeting, unless under cer- tain circumstances .. ..	34
Not valid unless at meeting .. ..	91
Return of distress warrant, imprisonment until ..	100
Riding furiously or without reins, or on foot-roads	70
Rights over the Stray or Two Hundred Acres ..	121
Roads herbage of, to be let on every 25th day of March, by Surveyors of Highways .. ..	140
Soil of, to belong to Surveyors for the use of the roads .. ..	140
To be set out, width of, repairs of .. ..	120

## S

Salaries. (See Officers.)	
Saving rights to his Majesty .. ..	103
Security, Servants. (See Officers.) .. ..	38
Sessions. (See Quarter Sessions.)	
Sewers power to construct common .. ..	58
Compensation to be made for lands injured by	59
Private drains may communicate with ..	59
Slaughter or soap houses. (See Nuisance.)	
Special meetings of Commissioners .. ..	33
Spaws or Medicinal Waters and Springs, free use of, on the Two Hundred Acres .. ..	121-122
Protection of .. ..	126
Springs, Mineral. (See Wells.)	
Spouts, water to be affixed to buildings .. ..	62
Stone quarries, how to be set out .. ..	120
Whom the property of .. ..	123
Award of .. ..	127
Straygates. (See Stray Owners.)	
Stray or Two Hundred Acres to be set out .. ..	121
Limits and bounds of, defined .. ..	136-137
Award of right of pasture in .. ..	89 & 135
Bye-Laws for protection of .. ..	116 to 118
Straymasters to be appointed .. ..	92
Stray owners, meetings of .. ..	90

Strayowners, List of .. .. .	144
Notice of meeting .. .. .	90
Appointment of Committee of .. .. .	90
Meetings of the Committee of .. .. .	91
No resolution valid unless at a meeting ..	91
Election of chairman .. .. .	91
Mode of voting .. .. .	91
Certain powers of the Commissioners ex- tended to the Committee of .. .. .	92
How to sue or be sued .. .. .	92
To make Laws regarding the Stray .. .. .	92
To be confirmed at Quarter Sessions .. .. .	92
Penalty for disobedience of .. .. .	92
To be filed in the Court of the Honor of Knaresbrough .. .. .	92
Power to raise money for improvements..	93
Recovery of rates by distress from a Justice	93
Power to tenants for life &c., to mortgage	94
Special meetings of .. .. .	95
To permit roads over the Stray and inclo- sure of slips .. .. .	95
To regulate the stint .. .. .	95
To let additional Straygates .. .. .	95
Not to turn on cattle between 1st of April and 12th of May .. .. .	95
Straying cattle to be impounded .. .. .	96
Power to sell stray cattle for penalty and expences .. .. .	96
Rescue of, to be committed for three months	97
Streets to be named and houses numbered ..	59
Penalty for defacing, &c. .. .. .	59
To be cleansed and watered .. .. .	67
Power to Commissioners to light .. .. .	73
For throwing litter &c., into .. .. .	73
Sulphur Water. (See Wells.)	
Summons, service of, on Commissioners and Com- mittee of Strayowners .. .. .	47
Authentication of .. .. .	48
<b>T</b>	
Tenant. (See Occupier.)	
Tender of amends .. .. .	48
Transfer of mortgage and annuities, a register of, to be kept .. .. .	45
Transient offenders .. .. .	101
Treasurer, (See Officers,) reimbursement of ..	98

## V

Valuation to be made, if Poor rate an unfair criterion	84
Vaults and drains to be substantially made ..	63
To be kept in repair .. .. .	63

## W

Weighing places to be provided, for weighing carts and carriages .. .. .	74 <del>74</del>
Warrant. (See Distress Warrant.)	
Water spouts to be affixed to buildings .. ..	62
Watering places to be set out .. .. .	120
Award of .. .. .	128
Wells, public, and Mineral Springs, vesting of, in Commissioners .. .. .	54
Injuring of, how to proceed .. ..	54
Regulations for protection of .. 54-109 &	126
Pump Room, &c., to be erected ..	54
Pump outside to be provided for Public ..	55
Bottling of water, regulations respecting ..	55 & 109
Charge for persons using the Pump Rooms	55 & 109
Prohibiting sinking of Wells, &c. ..	55 & 126
Penalty for sinking Wells, &c., after notice	56
Excavations to be filled up, &c. .. ..	56
May be sunk beyond the distance of Three Hundred Yards .. .. .	57
Power to dig foundations, &c., to dwell- ings within Three Hundred Yards ..	57
Commissioners to enter Lands to view the opening of, &c. .. .. .	57
For throwing litter, &c., or offensive mat- ter into .. .. .	73
Witnesses, releases to .. .. .	48
Liability to rates, not to disqualify ..	99
Penalty on, making default .. ..	101
Works, acts and things, in default of, party liable doing same, the Commissioners to ex- ecute, and recover expences from the party .. .. .	65
Occupiers to recover, against owners in certain cases .. .. .	66
Adjustment between owners & occupiers	66
Writ, service of, on Commissioners and Committee of Strayowners .. .. .	47











# AN ACT

FOR IMPROVING CERTAIN PARTS OF THE TOWNSHIPS OF

BILTON WITH HARROGATE, AND PANNAL,

CALLED

HIGH AND LOW HARROGATE,

IN THE WEST RIDING OF THE COUNTY OF YORK ;

FOR PROTECTING THE MINERAL SPRINGS,

AND

REGULATING THE STINTED PASTURE

IN THE SAID TOWNSHIPS.

*May 10th, 1841.*

~~~~~

WHEREAS the Villages or Places called High Harrogate and Low Harrogate have of late Years considerably increased, and the Number of Visitors resorting thereto has also much increased ; and it would be of great Advantage to the Inhabitants of those Places, and to the Public at large, if Provisions were made for regulating, widening, or otherwise improving the Streets, Roads, Lanes, and other public Passages of the said Villages, for establishing One or more Markets therein, and for removing and preventing Nuisances within such Parts of the several Townships of Bilton with Harrogate, Pannal, Knaresborough, and Scriven with Tentergate as are usually known or distinguished as High Harrogate and Low Harrogate, and Parts adjacent thereto respectively :

And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty King George the Third, intituled “An Act for dividing and inclosing such of the Open Parts of the District called the Forest of Knaresborough, in the County of York, as lie within the Eleven Constableries thereof and for other Purposes therein mentioned; and another Act was passed in the Twenty-ninth Year of the Reign of His said Majesty, intituled An Act for reviving certain Powers granted by an Act made in the Tenth Year of the Reign of His present Majesty, intituled ‘An Act for dividing and inclosing such of the Open Parts of the District called the Forest of Knaresborough in the County of York as lie within the Eleven Constableries thereof and for other Purposes therein mentioned,’ and by an Act of the Fourteenth Year of His Majesty’s Reign, for amending the said former Act; and for making the said Two Acts more effectual: And whereas by the above-recited Acts certain Powers were given to the Commissioners thereby appointed to set out Two Hundred Acres of Waste Land adjoining or near to certain Wells or Springs of Medicinal or Mineral Waters, commonly called Harrogate Spas, which said Two Hundred Acres of Land were by the said last-mentioned Act converted into a Stray or Stinted Pasture for the Use of the Freeholders and Copyholders of Bilton with Harrogate and Beckwith with Rossett, now called Pannal, with the free Right of Egress and Ingress to the Public in general over the said Lands, as in the said Act is particularly mentioned: And whereas the Rules and Orders directed by the said Act of the Twenty-ninth Year of His said late Majesty to be made for the Purposes therein mentioned were never made, and the Commissioners appointed under the said Acts, and of another Act passed in the Thirty-fifth Year of His said late Majesty, for enlarging the Time and reviving certain Powers granted by the said recited Acts, are all long since dead: And whereas, in consequence of no such Rules and Orders having been made as aforesaid, the Powers and Authorities granted by the said recited Acts, or any of them, for the Purpose of protecting the said Wells or Springs of Medicinal or Mineral Waters from being destroyed, polluted, injured, or affected, and for draining, levelling, or otherwise improving the said Two Hundred Acres of Waste Lands, have been found in many respects inoperative, defective, and insufficient for the Purposes intended by the said Acts; and it would be advantageous to the Inhabitants of High and Low Harrogate, and to the Public resorting thereto for the Benefit of the said

Waters, if more effectual Powers were granted for better protecting the said Wells and Springs of Medicinal or Mineral Waters, and for securing them from being destroyed, polluted, injured, or affected, and controlling the Government, Superintendence, and and Usage thereof, also for draining, leveling, planting, and otherwise improving the said Stray or Two Hundred Acres of Waste Land, and also for more effectually securing the Rights of the Parties having Right of Common over the said Stray: And whereas the several Objects above set forth cannot be properly effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Limits of the several Villages or Places usually known as High and Low Harrogate hall, for the Purposes of this Act, comprehend the District which lies within the Boundary Line herein-after specified; that is to say, within a Line beginning at the South-east Corner of a Field called the Pleasure Ground, belonging to and in the Occupation of John Green Paley, Esquire, in the Township of Bilton with Harrogate; thence crossing the Intack Road and a Plantation in an Easterly Direction to the South Corner of a Field in the occupation of Widow Farrah, belonging to the Devises of the late John Jaques, Esquire; thence in an Eastwardly Direction along the North Fence of a Plantation belonging to the Devises of the said John Jaques, in a straight Line to a Highway leading from Harrogate to Wetherby; thence crossing the said Road in a Northwardly Direction to the South Corner of a Field occupied by John Turner Gascoigne, belonging to Mr. John Dinsley; thence along the South-east Fence of the same Field to the Eastward Extremity of the same Field; thence in a Northwardly Direction along the East Fence of a Field belonging to William Sheepshanks, Esquire, to the North-east Corner of the same Field; thence in an Easterly Direction along the South Fences of Four Fields respectively belonging to William Sheepshanks, Esquire, and Mr. William Driffield, to a Field belonging to the Incumbent of Stainburn; thence crossing the said Field in a North-eastwardly Direction to the South Corner of a Field belonging to the Devises of Mr. George Pullan; thence in an Eastwardly Direction along the South Fences of the last-mentioned Field, and thence on the South and East Sides of another Field, also the Property of



the Devisces of the said George Pullan, to the Harrogate and Borobridge Turnpike Road, and crossing the said Road proceeding to the South-eastern Corner of a Field belonging to the Devisces of the said George Pullan; thence along the East and North Fences of the same Field to and across the Bogs Lane to a Field in the Township of Knaresbrough and Scriven with Tentergate, belonging to John Greenwood, Esquire; thence along the East Fence of the said Field adjoining the said Bogs Lane to the North-east Corner of the same Field; thence in a Westerly Direction along the North Fences of the last-mentioned Field and an adjoining Field, and thence along the East and North Fences of Two other Fields, all belonging to the said John Greenwood, in the Township of Scriven with Tentergate; thence turning Northward along the East and North-east Fences of Two Fields in the Township of Bilton with Harrogate, belonging to the said John Greenwood, to a Garden belonging to Thomas Hodgson; thence along the East Fence of the said Garden, and the North and North-east Fences of Six several Fields, belonging respectively to the said John Greenwood, Georgiana Farsyde Watson, and Mr. Jonathan Benn, to the North-east Corner of a Field called Ellar Pasture, the Property of the said Georgiana Farsyde Watson; thence in a North-westerly Direction along the North and North-east Fences of the said Field called Ellar Pasture, and Nine several Fields, and Lane, belonging respectively to the said William Sheepshanks, the Devisces of Catherine Hind, Marmaduke Lupton, Francis Bailey, the Devisces of the late Thomas Frith, and the said John Greenwood, to the North Corner of a Field called Barn Close, belonging to the said John Greenwood; thence in a Westwardly Direction along the North Fence of the same Field to the South-east Corner of a Field belonging to Fountaine Brown, Esquire; thence along the East and North Fences of the same Field to the Skipton and Knaresbrough Turnpike Road, and crossing the said Road proceeding in a straight Line across a Field belonging to Robert Richardson, Esquire, to the West Corner of a Field called Middle White Hall, belonging to the said Robert Richardson; thence along the West Side of the same Field to the South-west Corner thereof; thence in a Southwardly Direction across a field belonging to Mrs. Dorothy Williamson, called Hay Park, to a North-west Corner of the same Field, and along the West Side of the said Hay Park Field, and along the North and North West Fences of Three other Fields belonging to the said Dorothy Williamson, to the North

Corner of a Field belonging to the Devises of Mr. John Williams; thence proceeding along the North Fence of the same Field, and another Field, also belonging to the Devises of the said John Williams, to the Ripon and Harrogate Turnpike Road, and crossing the said Road proceeding in a Westwardly Direction along the North Fences of Four Fields belonging to the Queen's Majesty, to the North-west Corner of a Field in the Occupation of Mrs. Ann Shutt; thence Southwardly along the West Fence of the same Field to the North Corner of a Field occupied by the said Ann Shutt, also the Property of the Queen's Majesty; and thence in a Westwardly Direction along the North Fences of the last-mentioned Field, and another Field, also the Property of the Queen's Majesty, and continuing thence in a straight Line across a Field called Plantation Field, also belonging to the Queen's Majesty, to the West Fence of the same Field, and turning Southward along the West Fence of the said Plantation Field to a Rivulet; thence in a Westwardly Direction up the Rivulet aforesaid to the North-west Corner of a Field in the Township of Pannal called the Silent Groves, and proceeding along the West Fence of the same Field Southwardly to Iron Gate Bridge Road; thence Eastwardly along the same Road to the North-west Corner of a Field behind the Harrogate Bath Hospital, belonging to the Earl of Harewood; thence along the West Fences of the said Field, and Two other Fields, belonging to the said Earl of Harewood, to a Field called Backhouse Field, belonging to James Eaddie; thence along the North Fence of the said Backhouse Field in a Westwardly Direction to the North-west Corner of a Field called Top Close, belonging to the said James Eaddie; thence proceeding in a Southwardly Direction along the West Fences of the said Top Close and Four other Fields, respectively belonging to the said James Eaddie, John Hutchinson, and Joshua Wordsworth, to the North Corner of a Field called Harlow Hill Close, belonging to Thomas Wilkinson; thence in a Westwardly Direction along the North Fences of the said Harlow Hill Close, and Two other Closes, respectively belonging to Charles Raper and the Earl of Harewood; thence in a Southwardly Direction along the West Fence of the said Field, belonging to the Earl of Harewood, to the Otley and Knaresborough Turnpike Road, and crossing the said Road proceeding along the West Fence of a Field called Hut Field, belonging to Mary Wade, to the South-west Corner of the said Hut Field; thence Eastwardly along the South Fence of the said Hut Field, and Part of

the East Fence thereof; then along the South Fence of Two several Fields belonging to Mrs. Mary Thackwray, as far as the Pannal Ash Road; thence Northwardly along the said Road to the South-west Corner of a Field called Wade Field, belonging to John Harper; thence along the South-west and South-east Fences of the said Wade Field to the South-west Corner of a Field called Meadow Field, belonging to John Bainbridge, Esquire; thence along the South-west and South-east Sides of the said Meadow Field, and thence Eastwardly along the South Fences, of Three several Fields belonging respectively to the said John Bainbridge and the Earl of Rosslyn, in the respective Townships of Pannal and Knaresborough, to the South-east Corner of a Field in the Occupation of John and Stephen Theakstone, belonging to the said Earl of Rosslyn; thence turning Southwardly in a straight Line along the West Fences of Two Fields in the respective Townships of Scriven with Tentergate and Pannal, belonging to the said Earl of Rosslyn, to the South Corner of a Field called Hill Field; thence proceeding in an Eastwardly Direction along the South Fence of the said Hill Field to the Leeds and Harrogate Turnpike Road, and crossing the said Road in an Eastwardly Direction proceeding along the South Fence of a Field called the Allotment, belonging to the said John Green Paley, to the West Fence of a Field called Great Field, belonging to the said John Green Paley; thence on the West and South Fences of the said Great Field, and South Fences of Three other Fields, belonging to the said John Green Paley, unto the South-east Corner of the Field called the Pleasure Ground, in the Township of Bilton with Harrogate, from whence the Description of the Limits of the said District began.

*Jurisdiction of Commissioners.*

II. And be it enacted, That the Powers of this Act, and the Jurisdiction of the Commissioners acting in the Execution thereof, shall extend over the Limits or District comprised within the Boundary Line above defined.

*Style of the Commissioners.*

III. And be it enacted, That this Act shall be carried into execution by Twenty-one Commissioners, who shall be called "The Commissioners for the Improvement of High and Low Harrogate."

*Election of Commissioners.*

IV. And be it enacted, That on the Third Monday after



the passing of this Act, it shall be lawful for the Persons subject to the Payment of Rates as herein-after mentioned to meet at such Place within the said District, and at such Hour between the Hours of Eleven in the Morning and Four in the Afternoon, as shall be fixed and appointed by the Solicitors employed in soliciting this Act, who are hereby required to give Seven Days' Notice of the Time, Place, and Object of such Meeting, for the Purpose of electing, in manner herein-after mentioned, the Persons qualified to act as such Commissioners as aforesaid.

*Qualification of Commissioners.*

V. And be it enacted, That every Commissioner under this Act to be elected as aforesaid shall be a resident Inhabitant within the said District, and shall either be rated to the Rate for the Relief of the Poor in the annual Sum of Thirty-five Pounds or upwards, or be seised or possessed or in the Enjoyment of Rents and Profits of Lands and Hereditaments for an Estate not less than a Life in being, for his own Use, or of Leasehold Lands or Tenements held under a Demise of not less than Thirty-one Years, within the said District, of the annual Value of Twenty Pounds.

*Same Property not to give Two Qualifications.*

VI. And be it enacted, That the same Property shall not at the same Time give a Qualification as a Commissioner to more than One Person as being Owner and Occupier thereof.

*No Bankrupt or Insolvent to be a Commissioner.*

VII. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

*No Person holding Office or concerned in a Contract to be a Commissioner.*

VIII. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

*Shareholders in Companies established under Act of Parliament not disqualified by reason of Contracts.*

IX. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company

established by Act of Parliament shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners, but no such Commissioner being Member of such Company shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

*Commissioner not incapable of acting as a Justice.*

X. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner, and may have previously acted as such Commissioner in any Case or Question which may be or may be liable afterwards to be brought or heard before him as such Justice.

*Creditors on Rates may be Commissioners.*

XI. And be it enacted, That a Person shall not be incapable of acting a Commissioner by reason of his being a Creditor on the Rates, Assessments, or Charges authorized to be levied by this Act, or on any Market House or other Works to be erected under the Authority of this Act.

*Commissioner not to act without first making a Declaration.*

XII. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in Administering the Declaration herein-after mentioned, until he shall have made and signed before one of the Commissioners a Declaration to the Effect following ; (that is to say,)

‘ I *A. B.* do solemnly declare, That I will faithfully and  
‘ I impartially, according to the best of my Skill and  
‘ Judgment, execute all the Powers and Authorities reposed  
‘ in me as a Commissioner by virtue of an Act of Parliament,  
‘ intituled [here insert the Title of the Act], and also that I  
‘ am a resident Inhabitant within the said Limits, and am  
‘ rated to the Rate made for the Relief of the Poor in the  
‘ annual Sum of Thirty-five Pounds or upwards, [or that I  
‘ am a resident Inhabitant within the Limits of the said Act,  
‘ and am seised and possessed or in the Enjoyment of the  
‘ Rents and Profits of Lands and Hereditaments for an Estate  
‘ not less than a Life in being, for my own Use,] [or possessed  
‘ of Leasehold Lands or Tenements held under a Demise of  
‘ not less than Thirty-one Years within the said District, of  
‘ the annual value of Twenty Pounds, as estimated in the  
‘ last Rate for the Relief of the Poor.]’



*False Declaration a Misdemeanor.*

XIII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe the Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor, and be punishable accordingly.

*Declaration to be taken the first Meeting.*

XIV. And be it enacted, That such Declaration shall be made at the First Meeting of Commissioners at which any Person appointed a Commissioner shall first attend as one of such Commissioners, and it shall be lawful for any Person attending such Meeting as one of such Commissioners to administer such Declaration, although he himself may not at the Time have made such Declaration.

*Penalty for acting as a Commissioner not being qualified.*

XV. And be it enacted, That if any Person shall act as a Commissioner, not being duly qualified, or being incapacitated so to act, or before he shall have made and subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at Westminster, by any Person who shall sue for the same, by Action of Debt or on the Case; and in any Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Persons acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

*Commissioners refusing or neglecting to Act.*

XVI. And be it enacted, That in Case any Person elected a Commissioner shall refuse to act as such Commissioner, and shall, within Seven Days of his Election, signify such refusal in Writing to the Chairman of the Meeting at which he was elected, the Chairman shall supply the Place of the Person so refusing to act by adding to the List of Commissioners the Name of the Person who shall have had the next greatest Number of Votes after the Persons who

shall have been elected as aforesaid : Provided always, that if any Person elected a Commissioner as aforesaid fail to act in the Execution of this Act for Six Months, he shall be deemed to have refused to act, and thereafter shall cease to be a Commissioner, unless and until he shall be re-elected as hereinafter provided.

*One Third of Commissioners to go out every Year.*

XVII. And be it enacted, That the Commissioners to be elected as aforesaid shall go out of Office by Rotation as follows ; that is to say, on the Fifth of April One Thousand eight hundred and forty-two One Third of such Commissioners shall go out of Office, and at the same Time in the following Year on the Fifth Day of April One thousand eight hundred and forty-three One Third of the Remainder of such Commissioners shall go out of Office, and at the same Time in the following Year the Remainder of such Commissioners shall go out of Office ; the first retiring Commissioners to be those who had the smallest Number of Votes in this present Year One thousand eight hundred and forty-one, and the Second and Third retiring Commissioners to consist of those who had respectively the next smallest Number of Votes in the same Year. the Majority of the Commissioners always determining, when the Votes for any Commissioner shall be equal, who shall be the Person to go out of Office, and at the same Time in any subsequent Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office, and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners.

*Commissioners re-eligible.*

XVIII. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such re-election he shall, with reference to going out by Rotation, be considered a new Commissioner.

*Qualification of Electors.*

XIX. And be it enacted, That it shall be lawful for all Persons, being either Owners or Occupiers of any House or Building within the said District rated and assessed towards the Relief of the Poor to the Amount of Three Pounds or upwards, and who shall have paid the last previous Assessment imposed by such Rate, assembled at a public Meeting in Manner as is herein-after directed, to appoint fit Persons to act as Commissioners for executing this Act, and from

*except a ratepayer - 3. but who is to enforce the clause at the general assembly?.*

Time to Time to supply the Places of such Commissioners as shall go out of Office according to the Course of Rotation hereby prescribed, or of such Commissioners as shall have died, or have refused or ceased to act as Commissioners, or as shall have become incapacitated or disqualified to act as such Commissioner as aforesaid.

*Meetings for Election of Commissioners.*

XX. And be it enacted, That, for the Purpose of such Election of Commissioners, a Meeting of Persons qualified to vote shall be held on the Sixth Day of April in every Year, unless the same shall happen on a Sunday, then on the Monday following, and that the First Meeting for such Purpose after the Meeting herein-before directed to be held on the Third Monday after the passing of this Act shall be on the Sixth Day of April One thousand eight hundred and forty-two.

*List of Persons eligible as Commissioners to be made out before each Election.*

XXI. And be it enacted, That the Solicitors employed in soliciting this Act in the present Year, and on all subsequent Occasions the Clerk to the said Commissioners, shall, within Seven Days before every Meeting for the Election of Commissioners, cause to be made out and printed a List of all Persons eligible as Commissioners, and shall deliver to every Person qualified to vote at such Elections a Copy of such List, on Application being made for the same. *This list cannot be corrected into a voting paper.*

*Mode of conducting Elections.*

XXII. And be it enacted, That at every Meeting for the Election of Commissioners, a Chairman or presiding Officer shall be appointed for the Purpose of conducting such Election and receiving the Voting Papers herein-after mentioned ; and that every Person entitled to vote may vote for any Number of Persons not exceeding the Number of Commissioners then to be chosen, and that such voting shall be by delivering or causing to be delivered to the said Chairman a Paper containing the Christian Names and Surnames of the Persons voted for such Paper being previously signed with the Name of the Person voting, and that the voting of every such Election shall commence at Eleven o'Clock in the Forenoon and shall close not later than Four o'Clock in the Afternoon of the same Day. *The two voting papers*

*Result of Election.*

XXIII. And be it enacted, That the said Chairman shall



examine the Voting Papers so delivered to him as aforesaid, and so many of such Persons, being equal to the Number of Persons then to be chosen, as shall have the greatest Number of Votes shall be deemed to be elected, and in case of an Equality in the Number of Votes for any Two or more Persons the said Chairman shall name from amongst those Persons for whom the Number of Votes shall be equal so many as shall be necessary to complete the requisite Number of Persons to be chosen; and the said Chairman shall, either on the Day of Election or within Two Days thereafter, make out and publish a List of Names of the Persons so elected, and shall forward a Copy of such List to each Person so appointed.

*Mode of supplying occasional Vacancies.*

XXIV. And be it enacted, That in case any of the Commissioners shall die or resign, or become disqualified or cease to act as a Commissioner, at a Period not within Three Months of the annual Meeting for Election of Commissioners, it shall be lawful for the remaining Commissioners, if they shall think fit, to elect another Commissioner in his Place, and every Commissioner so elected shall continue in Office so long only as the Person in whose Place he shall have been elected would have been entitled to continue in Office.

*First and other Meetings.*

XXV. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at some convenient Place within the said District between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Commissioners shall be held on the First Monday in each Calendar Month, at the Place and between the Hours aforesaid, unless some other Time and Place shall be appointed by the said Commissioners; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Limits; and if at any such Meeting there shall not be Seven Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, or for the Clerk to the Commissioners, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the

Commissioners or the Clerk to appoint a Meeting to be held at any convenient Place within the said Limits, and not less than Seven Days Notice shall be given of such intended Meeting.

*Special Meetings.*

XXVI. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Five or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Seven <sup>to</sup> Days Notice thereof shall be given.

*Quorum of Commissioners.*

XXVII. And be it enacted, That all Powers of this Act may be exercised by any Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Seven or more Commissioners shall be present at such Meetings.

*How Notices of Meetings are to be given.*

XXVIII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act, shall be in Writing, and shall be delivered or sent by the Post, One Day at least before such Meeting, to the usual Place of Abode of each of the Commissioners; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

*Expences at Meetings.*

XXIX. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

*General Meeting may appoint Committees.*

XXX. And be it enacted, That it shall be lawful for the said Commissioners at any General Meeting to appoint a Committee, consisting of not less than Three of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee, but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Commissioners next following its Appointment.

*Quorum of Committees.*

XXXI. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Two Members of the Committee be present.

*Order of Business at Meetings of Commissioners and Committees.*

XXXII. And be it enacted, That at every Meeting of the Commissioners or Committee one of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at such Meeting shall be decided by the Votes of the Majority present, and if there be any equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Number of Votes, whose Name would stand first if the Names of the Commissioners present were alphabetically arranged, shall be Chairman of such Meeting.

*No Resolution of Commissioners to be Revoked at a subsequent Meeting, unless under certain circumstances.*

XXXIII. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation, by Notice given Seven Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made, or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, than by a simple Majority.

*Orders and Proceedings to be entered in a Book, and to be Evidence.*

XXXIV. And be it enacted, That the Commissioners shall keep or cause to be kept a proper Book, in which shall be entered the Orders and Proceedings of the several Meetings wherein any business shall be transacted under the Au-



thority of this Act, together with the Names of the Commissioners who shall attend such Meetings, and the Chairman of every such Meeting shall sign the Entries and Minutes relating to the same; and all such Entries and Minutes, being so signed, shall, without further Proof, be admitted in Evidence in all Courts and upon all Occasions; and such Book shall be open at all reasonable times (except during the Transaction of Business) to the Inspection of any of the Commissioners or of any Creditor on the Rates to be levied in pursuance of this Act, without Fee or Reward, and if the Clerk shall refuse at any such time as aforesaid to permit the Inspection of such Book to any Commissioner or any such Creditor as aforesaid, he shall forfeit for every such Offence any Sum not exceeding the Sum of Five Pounds.

*Contracts may be made.*

XXXV. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered into a Book, to be kept by the Clerk of the Commissioners for that Purpose.

*How to be Signed.*

XXXVI. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners, and the other Parties thereto, and such Contracts shall be binding on the Commissioners; and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners, or the other Parties failing in the Execution thereof.

*Materials for Works contracted for to be considered the Property of the Commissioners.*

XXXVII. And be it enacted, That during the Execution of any such Contract, the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment, as herein-after mentioned, be held to be the Property of such Commissioners.

*Indictments how to be preferred.*

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment, or direct any prosecution or information, against any person who shall steal take or carry away, deface or injure, any Property, Article, or Thing belonging to the said Commissioners; and in any such Bill of Indictment, Prosecution, or Information it shall be sufficient to state generally the Property, Article, or Thing, in respect of which such Bill of Indictment, Prosecution, or Information shall be preferred, to be the Property or at the instance of "The Commissioners for the Improvement of *High and Low Harrogate*," without naming the Members thereof.

*Commissioners not to be personally liable.—Liability of their Funds.*

XXXIX. And be it enacted, That nothing of any Deed or Contract by this act authorised to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the amount of all Damages, Costs, and Charges recovered by any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

*Actions or Suits to be brought in the name of any Two Commissioners or their Clerk.*

XL. And be it enacted, That in all Actions, Suits, and Proceedings in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall

abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

*Execution against Goods of Commissioners.*

XXI. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

*Indemnity to Commissioners and Clerk.*

XLII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed out of the Monies which shall come into the Hands of Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners or more as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

*Commissioners to appoint Treasurer and other Officers.*

XLIII. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer, Clerk, Collector, and Assessor and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable and may remove such Clerk, Treasurer, Collector, Assessor, and Officers, and appoint others in their Stead.

*Offices of Clerk and Treasurer to be separate.—Penalty.*

XLIV. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk, or of his Partners, shall be eligible to be Treasurer; and that neither the Person who shall be Treasurer, nor any Person who shall be in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases, he shall forfeit One Hundred Pounds; (that is to say,)



If any Person accept both the Office of Clerk and Treasurer :

If any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk :

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer, as the Case may be :

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

*Officer taking Fees to loose his Office, and forfeit £50.*

XLV. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners, exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

*Commissioners to take Security from all Officers intrusted with Money.*

XLVI. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all monies by them respectively received

or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

*Officers to account.*

XLVII. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such account shall state how and to whom, and for what Purpose such Monies have been disposed of; and together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

*Remedy against Officers failing to account.*

XLVIII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if, for Seven Days after being thereunto required, he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail

for any time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power;

Such Justice may lawfully commit such Offender to Gaol; and in every such case of Commitment the Prisoner shall remain in Custody without Bail until he shall have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any relating thereto in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

*Commitment not to discharge Sureties.*

XLIX. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

*Books of Account to be kept, and to be open to Inspection.*

L. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rate and Assessment by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Abstracts from the said Book without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to



inspect such Books, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

*Accounts to be settled and examined at the annual Meeting ;  
to be final unless appealed from.*

LI. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the First Ordinary Meeting of the Commissioners which shall take place in the Month of May in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present ; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting ; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at the then next General Quarter Sessions of the Peace for the West Riding of the County of York, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal, with the Grounds and cause thereof, having been given to the Clerk of the Commissioners fourteen Days at least before the Hearing of any such Appeal.

*Statement of Accounts to be prepared and open for Inspection.*

LII. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received, and expended, by virtue of this Act, during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners ; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable times inspect such Statement and Account ; and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a printed Copy thereof to every such Creditor and Rate-payer without Fee ; or (where the Accounts are not to be printed) the Clerk shall, on Demand,

furnish a Copy of such Statement and Account, or any Part thereof, to any such Creditor or Rate-payer, upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Clerk to the said Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Commissioners ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

*Auditors may be appointed.*

LIII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Rate-payers, or other Persons by this Act authorised to appoint the Commissioners, to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors shall have the like Qualification, and shall be subject to the like Disqualification or Disability, as the Commissioners, and before entering on their Office they shall make and sign a solemn declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

*Auditors to inspect Accounts, and to appeal if they think fit.*

LIV. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceeding the Appointment of such Auditors; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to the then next General Quarter Sessions of the Peace for the West-Riding of the County of York, Notice in Writing of such Appeal, and

the Grounds and Cause thereof, being given to the Clerk of the Commissioners, Fourteen days at least prior to the Hearing of such Appeal.

*An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.*

LV. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds raised and levied by virtue of this Act for the Year ending on the Fifth Day of *April* or some other convenient day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the West-Riding of the County of *York*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

*Power to borrow on Mortgage.*

LVI. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Three thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the sum of Three Thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Seven of them, may assign over the said Tolls, Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

*Form of Mortgage.*

LVII. And be it enacted, That every such Assignment or



Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Seven of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

*Mortgages to be without Preference.*

LVIII. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Tolls, Rates, or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

*Commissioners may raise money by Annuity.*

LIX. And be it enacted, That it shall be lawful for the Commissioners to raise all or any part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, and for that purpose for the Commissioners, or any Seven of them, to charge the Tolls, Rates, and Assessments granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

*Form of Grant of Annuity.*

LX. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Seven of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

*For preventing improvident Grants of Annuities.*

LXI. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not exceed the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

*Annuities to rank after Mortgages.*

LXII. And be it enacted, That every Annuity so granted shall be paid out of the Tolls, Rates, or Assessments, according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

*Expences of Mortgages and Annuities.*

LXIII. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

*Register of Mortgages and Annuities to be kept, and to be open to Inspection.*

LXIV. And be it enacted, That a Register of such Mortgages or Assignments and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment or Annuity an Entry or Memorial of the Number and Date thereof, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

*Assignment of Mortgages and Annuities.*

LXV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment or Annuity may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Value shall be truly specified; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

*Register of Transfers to be kept.*

LXVI. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

*Interest on Mortgages to be paid Half-Yearly.*

LXVII. And be it enacted, That unless otherwise provided by any Mortgage, Assignment, or Grant of Annuity, the Interest of the Money borrowed upon every such Mort-



gage, Assignment, or Grant shall be paid half-yearly to the several Parties entitled thereto.

*Power to take up Money at a less rate of Interest.*

LXVIII. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear from Time to Time, it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates, Tolls, and Duties or other Funds payable under this Act, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

*Mode of paying off Mortgages.*

LXIX. And in order that no undue Preference may be given in paying off any such Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Seven or more of the Commissioners draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners, and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with Interest due thereon, at a place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice, and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease unless such Principal Money and Interest be not paid on Demand,

pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

*Application of Monies to be borrowed.*

LXX. And be it enacted, That all the Money which shall be raised on the Credit of the Rates hereby authorized to be levied or raised or collected by virtue of this Act shall be applied, in the first place, in paying the Expences of obtaining and passing this Act, or incident thereto, and afterwards in making such permanent Improvements within the Limits of this Act as are hereby authorized, and as the Commissioners shall direct to be made.

*Commissioners may make Bye Laws to govern themselves and their Servants.*

LXXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for the regulating the carrying on of their Business, and the Business of the Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, to repeal or alter any such Bye Laws as often as they shall think fit, so as no such Bye Law be contrary to the Laws of *England*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

*Fines for Breach of such Bye Laws.*

LXXII. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered, to order the whole or a Part only of such Penalty to be paid.

*Service of Notice on Commissioners and Committee of Stray Owners.*

LXXIII. And be it enacted, That any Summons, Notice, or Writ, or other Proceedings at Law or in Equity, requiring to be served upon the Commissioners or on the Committee of Stray Owners herein-after mentioned, may lawfully be served by delivering the same personally to the Clerk of the Commissioners or Committee of Stray Owners, as the Case may be, or to some Inmate at the usual Place of Abode of such Clerks

respectively, or by leaving the same at the Office of the Commissioners or Committee of Stray Owners, or in case there be no such Clerk, or his Place of Abode shall be unknown, then by delivering the same to any one of the Commissioners or Committee of Stray Owners, or to some Inmate of the Place of Abode of any such Commissioner or Committee-man of the Stray Owners.

*Authentication of Notices.*

LXXIV. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners or Committee of Stray Owners, the Signature thereof by One Commissioner or Committee-man of Stray Owners, or by the Clerk of the Commissioners or Committee of Stray Owners, shall be a sufficient Authentication.

*Releases to Witnesses.*

LXXV. And be it enacted, That in all Legal Proceedings under this Act it shall be lawful for any three or more of the Commissioners, by order of the Commissioners, or any Two or more of the Committee of Stray Owners by Order of the Committee, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners or Committee of Stray Owners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

*Tender of Amends.*

LXXVI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if, before an Action be brought, any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on Account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other cases where Defendants are allowed to pay Money into Court.



*Power to Purchase Lands, &c.*

LXXVII. And be it enacted, That it shall be lawful for the Commissioners to agree with the Owners of any Lands or Buildings for the absolute Purchase, for a consideration in Money, of any such Lands or Buildings, or such Parts thereof as they shall think proper, for carrying into effect, the Purposes of this Act, and of all subsisting Leases in such Lands or Buildings, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting the same, and all Commonable and other Rights to which such Lands or Buildings may be subject, and all other Estates or Interests in such Lands or Buildings, of what kind soever, and to pay the Purchase or consideration Money out of the Monies to be raised by virtue of this Act for the Purposes thereof.

*Parties under Disability enabled to sell and convey.*

LXXVIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands or Buildings, or any such Estate or Interest therein as aforesaid, to sell and dispose, and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not, to be found; and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same extent as such Cestuique Trusts respectively could have exercised the same Powers

under the Authority of this Act if they had been respectively under no Disability.

*Form of Conveyance.*

LXXIX. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the form in Schedule (D.) to this Act annexed, or as near thereto as the circumstances of the case will admit; and all such Conveyances shall be effectual to vest the Lands or Buildings thereby conveyed in the Commissioners for the Purposes of this Act, and shall operate to merge all Terms of Years attendant, by express Declaration or by Construction of Law, on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands or Buildings comprised in such Conveyances as shall have been purchased.

*Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England. 1 G. 4. c. 35. Application of Monies deposited.*

LXXX. And for the Purpose of providing for the Deposit and Application of the Purchase Money to be paid in respect of any such Lands or Buildings which may belong to Parties under Disability, be it enacted, That if any such Purchase Money shall be payable in respect of any such Lands or Buildings, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, ex parte "The Commissioners for the Improvement of High and Low Harrogate," pursuant to the Method prescribed by an Act of the First Year of the Reign of His late Majesty King George the Fourth, intituled an Act for the better securing Money and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the better Appointment of an Accountant General and Two Masters of the Court, and for other Purposes, and pursuant to the



General Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some one or more of the following Purposes; (that is to say,)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings purchased under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Exchequer shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

*Order for Application.*

LXXXI. And be it enacted, That such Money may be so applied as aforesaid, upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands or Buildings in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three per Centum consolidated or Three per Centum Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands or Buildings; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

*Sums not amounting to 200*l.* but exceeding 20*l.* to be deposited or invested in Trustees.*

LXXXII. And with respect to any such Purchase Money which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of England,

and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands or Buildings in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of England, but it shall not be necessary to obtain any Order of the Court for that Purpose.

*Sums not exceeding 20l. to be paid to Parties.*

LXXXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands or Buildings in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

*Court of Exchequer may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions, as they may think just.*

LXXXIV. Provided always, and be it enacted, That where any such Purchase Money so paid into the Court of Exchequer shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands or Buildings, less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might

have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

*Party in possession deemed to be the Owner.*

LXXXV. And be it enacted, That if any Question arise respecting the Title to the Lands or Buildings in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands or Buildings at the Time of such Lands or Buildings being purchased shall be deemed to have been lawfully entitled to such Lands or Buildings, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interests of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

*Costs in cases of Money deposited.*

LXXXVI. And with respect to Costs in cases of Moneys deposited in the Bank of England, be it enacted, That the Court of Exchequer may in all such cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase of the Lands or Buildings, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Moneys in Government or Real Securities and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands or Buildings; and also of the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Moneys shall be invested, and for the Payment out of Court of the Principal of such Moneys, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.



*Vesting of Public Wells and Mineral Springs in the Commissioners.*

LXXXVII. And be it enacted, That for better protecting all the public Wells or Springs of Medicinal or Mineral Waters now or hereafter to be discovered, situate contiguous to or within or upon the Stray or Two Hundred Acres of Waste Land, herein-before mentioned in the Townships of Bilton-with-Harrogate and Pannal aforesaid, and securing the same from being destroyed, polluted, or injured, and controlling the Superintendence and Usage thereof, the same shall be deemed to be the Property of and are hereby vested in the Commissioners for the Time being, appointed by virtue of this Act, and who are hereby empowered, by their Clerk, to bring any Action, or prefer any Bill of Indictment or Information, as the Case shall require, against any Person who shall do any Act that may destroy, pollute, or injure the said Wells or Springs, or any Building, Erection, Cistern, Reservoir, or Apparatus in any way connected therewith, and either now or hereafter erected or placed for the better Protection and Preservation of the said Wells or Springs; and in such Action, Bill of Indictment, or Information respectively it shall be sufficient to state generally that the Matter or Thing for or in respect of which such Action shall be brought, or Bill of Indictment or Information shall be preferred, is the Property of "The Commissioners for the Improvement of High and Low Harrogate," without stating or specifying the Name of any of the Commissioners, the Costs attending upon all such Proceedings being paid out of the Rates to be levied by virtue of this Act.

*Regulations for Protecting Wells, &c.*

LXXXVIII. And be it enacted, That for the purpose of securing a larger and better supply of Sulphur Water from the old Sulphur Water Springs at Low Harrogate aforesaid, and for protecting and securing them, and all other the Wells or Springs aforesaid, from Destruction, Pollution, and Injury, and for affording greater convenience and Accommodation to the Visitors resorting to Harrogate for the Benefit of the said Waters, it shall be lawful for the Commissioners to make such Additions or Alterations to the present Erections over all or any of the said Springs, or to the Basins or Reservoirs thereto belonging, and to erect a Pump Room or other Building over the said Sulphur Water Springs, with suitable Basins, Cisterns, Reservoirs, Pumps, and Apparatus, and to



lock up or otherwise secure all or any of the said Wells, Basins, or Pumps from Ten o'Clock every Evening until Half-past Five o'Clock on the following Morning: Provided always, that, for the Purpose of affording free Access to all Persons whomsoever resorting to the said Wells for the purpose of drinking the said Mineral Waters, free of any charge whatever, between the Hours of Half-past Five o'Clock in the Morning and Ten o'Clock at Night, if the said Sulphur Water Wells shall be inclosed, and a Pump Room or other Building erected over the same, the Commissioners shall in that Case cause to be erected, and at all times thereafter kept in good Repair, a Pump with a conducting Pipe inserted into the principal Basin or Reservoir of the said Sulphur Water Spring or Springs, to be placed outside of any such Pump Room or other Buildings, so as from Time to Time, and at all Times thereafter, within the Hours last aforesaid, to allow Water to be obtained therefrom with the same Facility and in as pure a State as the same is obtained in or from the said Pump Room; but no bottling of Water shall be allowed at the said Sulphur Water Wells or Pump earlier than Eleven o'Clock in the Morning nor later than Ten o'Clock at Night, and no Water shall be drawn from the old Sulphur Water Wells for the Purpose of being taken away in Barrels or similar large Vessels, except the surplus or waste Water that shall run or be conveyed into a Reservoir provided for collecting Bathing Water.

*Charge for Persons using the Pump Rooms.*

LXXXIX. And be it enacted, That it shall be lawful for the Commissioners to cause to be levied from the Persons using or frequenting the said Pump Room or other Erections over the said Wells or Springs a reasonable Charge, not exceeding in the whole the Sum of One Shilling and Sixpence per Week for each Person, such Charge being according to a printed Scale, which shall at all times remain hung up in the said Pump Room or other Erections, for Inspection by those frequenting the same.

*Prohibiting sinking of Wells, &c.*

XC. And for the better Protection and Preservation of the said Sulphur Wells and Springs at Low Harrogate aforesaid, be it enacted, That after the passing of this Act it shall not be lawful for any Person to open, dig, sink, or deepen any Pit or Well, or open or work any Mine or Quarry, or make any Excavation or Opening within the Distance of

Three hundred Yards from the Centre of old Sulphur Well at Low Harrogate aforesaid, without the previous Consent in Writing of a Majority of the Commissioners for the Time being; and if any Person shall do any of the said Acts without such previous Consent, or shall do any other Act by which the Sulphur Wells or Springs may be destroyed, injured, or affected, it shall be lawful for the Commissioners to apply to the High Court of Chancery for, and for the High Court of Chancery to grant, an Injunction to prevent any of the said Acts from being continued or carried forward.

*Penalty for sinking Wells, &c. after Notice.*

XCI. And be it enacted, That it shall be lawful for the Commissioners to give Notice to any Person who shall have opened, dug, or sunk, or deepened, any Pit or Well, or opened or worked any Mine or Quarry, or made any Excavation or Opening, within the Distance of Three hundred Yards from the Centre of the old Sulphur Well at Harrogate aforesaid, without such previous consent in Writing as aforesaid, or who shall have done any Act by which any of the Sulphur Wells or Mineral Springs may be destroyed, injured, or affected, to discontinue such opening, digging, sinking, or deepening as aforesaid, or, if any Excavation or Opening has been made, to fill up the same, and to remedy any Injury done to the said Sulphur Wells or Mineral Springs; and if the Person so offending shall not forthwith discontinue any such Act, or fill up such Excavation or Opening, or remedy any such Injury as aforesaid, within Twenty-four Hours after the Service of such Notice, he shall be liable to a Penalty not exceeding the Sum of Twenty Pounds for every Day such Act shall be continued or carried on, or such Excavation shall remain unfilled up as aforesaid, or the Injury shall not be remedied after the Expiration of Twenty-four Hours from the Delivery of such Notice; provided always, that before any Justice or Justices shall convict for such Offence as aforesaid they shall have satisfactory Proof exhibited before them upon Oath by some scientific or other competent Persons that the Act complained of hath injured or affected, or will injure or affect, the said Medicinal Springs or Waters, or any of them.

*Power for Commissioners to fill up Excavations; and Penalty for obstructing them.—Expences incurred to be repaid by the Party.*

XCII. And be it enacted, That if any Person shall refuse or neglect to fill up such Excavation or Opening, or remedy

such Injury as aforesaid, it shall be lawful for the Commissioners, or any Person duly authorized by them, to enter upon any Lands where any such Excavation or Opening shall have been made, and to fill up the same, and remedy any Injury that may have been occasioned thereby, and to remove any Machinery or Implements used for the Purpose of such Excavation or Opening, without being liable to any Action of Trespass or other Proceeding in respect of such Entry; and any Person obstructing or molesting the Commissioners, or any Person employed by them, in the Execution of any of the Acts hereby authorized, shall be liable to a Penalty not exceeding Twenty Pounds; and all the Charges and Expences incurred by the Commissioners in carrying into effect the Powers hereby given to them shall be repaid by the Party offending as aforesaid.

*Wells may be sunk beyond the Distance of 300 Yards.—  
Power to dig Foundations, &c. to Dwelling Houses, &c.*

XCIH. Provided always, and be it enacted, That nothing herein contained shall prevent or prejudice the Right of the Commissioners or of any other Person to dig or sink any Pit or Well, or open any Quarry, upon the said Stray or his own Property, beyond the distance of Three hundred Yards from the Centre of the old Sulphur Well as aforesaid, or to prevent the Owner of any Land within the Distance of the said Three hundred Yards from digging the Foundations or Cellars to any Dwelling House or Shop, without being liable to any of the Restrictions or Penalties herein-before authorized.

*Commissioners to enter Lands to view the opening of Wells, &c.*

XCIV. And be it enacted, That it shall be lawful for the Commissioners, or any Person duly authorized by them, at all Times during the Daytime, to enter into or upon any Lands within the Limits of this Act where they have good or sufficient Reason to believe that any Mine, Quarry, Pit, Well, or Excavation is opening, sinking, using, or making, whereby any of the Medicinal Springs or Waters may be endangered, injured, destroyed, or affected, for the Purpose of inspecting the same, and making such Examination as they shall deem necessary, without being liable to any Action of Trespass or other Proceeding in respect of such Entry, Inspection, or Examination; and if the Owner or Occupier of any such Lands or Premises, or any Person in his Employ or by his Direction, shall refuse to admit such Commissioners



or other Person in their Employ into or upon such Lands for the Purpose of making such Inspection or Examination, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Pounds.

*Commissioners may pave Footways.*

XCV. And be it enacted, That it shall be lawful for the Commissioners to flag or make, with such Materials as they shall think fit, any Causeways or Footways for the Use of Foot Passengers in or on the Sides of any Street within the Limits of this Act.

*Footways to be kept in repair by the Commissioners.*

XCVI. And be it enacted, That all Causeways or Footways within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up by themselves under the Provisions of this Act, shall be kept in repair by the Commissioners.

*Commissioners may place Fence to Footways.*

XCVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any Carriageways, so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same, or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

*Power to construct Common Sewers.*

XCVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be constructed in or under any Street within the Limits of this Act; and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same into and through any Lands within the Limits of this Act.



*Compensation to be made.*

XCIX. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well or Pump, being carried into or through his Lands, the Commissioners shall pay to such person a reasonable Compensation for the Damage or Injury sustained by him.

*Communication of private Drains with Common Sewers.*

C. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse, without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

*Occupiers to repair private Drains.*

CI. And be it enacted, That the Occupier of any House or Land to which any private Drain which now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses shall repair and cleanse the same, when required, by and according to the Direction of the Commissioners.

*Houses to be numbered, and Streets named.*

CII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted, in a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put up by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

*Future Projections to be removed on Notice.*

CIII. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar,

Cellar Door or Window, Sign, Sign Post, Sign Iron, Show-board, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Seven Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners.

*Existing Projections to be removed and Compensation made.*

CIV. And with regard to all Obstructions or Projections of a like Kind as those before mentioned, which have been erected or placed against or in front of any House in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Obstruction or Projection shall be, Fourteen Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

*Doors in future to be made to open inwards.*

CV. And be it enacted, That all Doors, Gates, and Bars, not being Under-ground Doors, hereafter to be erected within the Limits of this Act, opening upon or towards any public Street or Highway, and which shall lead to any House, Building, Yard, or Land, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person

cansing such Door, Gate, or Bar to be constructed, and such Person shall in addition be liable to a Penalty not exceeding Forty Shillings.

*Doors opening outwards to be altered by Commissioners.*

CVI. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon any public Street, it shall be lawful for the Commissioners to alter the same, so that no Part thereof opening, or when open, shall project over any public Way.

*Where Houses taken down, Commissioners may take Land to improve the Street.*

CVII. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase and take any Part of the Site of such House or Building, or of the Land occupied therewith, with the Consent of the Parties interested therein: Provided always, that it shall not be lawful for the said Commissioners to expend more than One hundred Pounds in any One Year in the Purchase of Buildings or Land for the Purpose of widening the said Streets, or otherwise improving the same, without first having the Sanction of the Majority of the Rate-payers within the aforesaid Limit, testified at some public Meeting to be duly called for that Purpose by the Clerk to the Commissioners.

*Projecting Houses, when taken down, to be set back.*

CVIII. And be it enacted, That when any House or Building, any Part of which now projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street, or the Line of the adjoining House or Building, in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence



of his House being set back according to the Provisions herein contained.

*Houses built contrary to the Act to be taken down.*

CIX. And be it enacted, That it shall be lawful for the Commissioners to cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act; and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building so altered or rebuilt.

*Houses may be set forward.*

CX. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

*Water Spouts to be affixed.*

CXI. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Twenty-one Days next after Service of any Order of the Commissioners for that Purpose, put up, and for ever afterwards keep in good Condition, a Spout or Trough of the whole length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry off the Water from the Roof thereof, in such Manner that the Water from such House shall not fall upon the Persons passing near the same.

*Under ground Drains to be formed.*

CXII. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement, and for that purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned



to the Pavement or Flagging of the Footpath or Carriage-way shall be made good at the Expence of such Owner or Occupier.

*Vaults and Drains to be substantially made.*

CXIII. And be it enacted, That all Vaults and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners without their Consent; and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Vault or Drain.

*Vaults and Drains to be kept in repair.*

CXIV. And be it enacted, That all Vaults or Drains under any Street within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

*Coverings for Cellar Doors to be made.*

CXV. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act as an Entrance into any Vault or Cellar, a Door or Covering shall be made, by the Occupier of such Vault or Cellar, of Iron, or such other Material, and in such Manner as the Commissioners shall direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault; and if the Occupier of any such Vault or Cellar shall not within a reasonable Time make such Door or Covering, or shall make any such Door or Covering, contrary to the Directions of the Commissioners, or shall not keep the same, when made, in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

*Hoads to be set up during Repairs.*

CXVI. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected, before commencing the same, sufficient Hoads or Fences, in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Hand-rail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoad or Fence, and shall continue such Hoad or Fence, with such Platform and Hand-rail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall in all Cases in which the same shall be necessary to prevent Accidents light or cause the same to be sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect any such Fence or Hoad, or Platform with such Hand-rail as aforesaid, or to continue the same respectively standing and in good Condition during the time aforesaid, or shall not, whilst the said Hoad or Fence is standing, keep the same sufficiently lighted in the Night, or shall not remove the same, when directed by Commissioners, within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

*Penalty for not lighting Deposits of Building Materials or Excavations.*

CXVII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall, at his own Expence, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising during the Time such Materials, Hole, or Excavation shall remain; and such Person shall, at his own Expence, cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed until such Materials or other Things shall be removed, or the Hole or

Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

*Penalty for continuing Deposits of Building Materials  
or Excavations an unreasonable Time.*

CXVIII. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case, Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

*Dangerous Places to be repaired or inclosed.*

CXIX. And be it enacted, That if any Building or Excavation, or any Land or Place, contiguous to any Street within the Limits of this Act, shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Street, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed, so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

*In default of the Party liable, the Commissioners to execute  
the Works and recover the Expencees from the Party.*

CXX. And whereas many Works, Acts, and Things, are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given



by the Commissioners for that Purpose in pursuance of this Act, or, if no time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

*Occupiers to recover against Owners in certain Cases.*

CXXI. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

*Adjustment between Owners and Occupiers.*

CXXII. And be it enacted, That in all Cases, except as herein-before mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier, in respect of such Work, Act, or Thing, shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid on Demand, or if the Amount of the same shall be disputed, such Excess shall be



ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered, and if such Excess shall be payable by the Owner he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

*Streets to be cleansed and watered.*

CXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such manner as they shall appoint.

*Occupiers to cause Footways to be swept.*

CXXIV. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall, on every *Saturday* in each week, before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that, for the Purpose aforesaid, the Owner of any House let out into divided Apartments shall be deemed the Occupier.

*Commissioners may cause Footways to be swept.*

CXXV. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

*Commissioners may order Nuisances to be abated.*

CXXVI. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or any Slaughter-house, Boiling-house for Offal, Hogsty, uninclosed or uncovered Yard or Place for the Deposit or Sifting of Lime, Necessary-house, Dunghill, Manure Heap, or other offensive Building, Place,

or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint; and if the Commissioners shall consider such Building, Place, or Matter of which such complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made, to discontinue or remedy the same.

*Penalty for Disobedience of Commissioners' Order.*

CXXVII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Twenty-one Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Twenty-one Days from the Service of such Notice: Provided always, that when any Person who shall think himself aggrieved by any order of the Commissioners shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Twenty one Days after the Determination of such Appeal and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

*Penalty on suffering Dogs to go at large after Notice.*

CXXVIII. And be it enacted, That if any Person shall, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Limits of this Act during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

*Dogs suspected to be mad may be destroyed.*

CXXIX. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by virtue of this Act to destroy any Dog or other Animal within the Limits of this Act, reasonably suspected to be in a rabid State, or to have been bitten by any Dog or Animal reasonably suspected to be in a rabid State.

*Penalty for suffering mad Dogs to be at large.*

CXXX. And be it enacted, That the Owner of any such Dog or Animal who shall permit the same to go at large within the Limits of this Act, after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

*Penalty for conveying offensive Matter at improper Times.*

CXXXI. And be it enacted, That every Person who within the Limits of this Act shall empty or begin to empty any Privy between the Hours of Nine in the Morning and Nine at Night, or remove along any Thoroughfare any Night-soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender, the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

*Doors and Windows of Blacksmiths' Forges to be closed after Sunset.*

CXXXII. And be it enacted, That if any Blacksmith, Whitesmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings; provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

*Penalty of 40s. for certain Offences herein mentioned.*

CXXXIII. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings, who,



in any Street within the Limits of this Act, shall commit any of the following Offences ; (that is to say,)

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale, (except in a Market lawfully appointed for that Purpose,) or feed or fodder, any Horse, or other Animal; or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment; or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident;) or clean, dress, exercise, train, or break, or turn loose any Horse or Animal; or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident, where Repair on the Spot is necessary :

Every Person who shall suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal :

Every Person who, by Negligence or Ill-usage in driving Cattle, shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the Driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle :

Every Person who shall slaughter any Cattle, or dress any Cattle or any Part thereof (except in the Case of any overdriven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughterhouse, and which the public Safety or other Circumstances may require to be killed on the Spot) :

Every Person having the Care of any Waggon, Cart, or Carriage, who shall ride on any part thereof, or on the Shafts, or on any Horse, or other Animal drawing the same, without having Reins, and holding the same; or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same; or shall not keep the Waggon, Cart, or Carriage to the Left or Near Side, except in case of actual Necessity, or some sufficient Reason for Deviation; or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care :

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare :

Every Person who shall cause any public Carriage, Sledge,



Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, except Hackney Carriages standing for Hire in any Place appointed for that Purpose by the Commissioners ; and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or willfully cause any Obstruction in any Thoroughfare :

Every Person who shall draw any Timber, Stone, or other weighty Article, without the same being placed upon or suspended from a wheeled Carriage proper for that purpose :

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart, Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, or shall fasten any Horse or other Animal so that it may stand across or upon any Footway :

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing Place, Stool, Bench, Stall, or Show-board on any Footway ; or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Eight Feet in Height at least in every Part thereof from the Surface of such Footway, and shall extend over the whole Breadth of such Footway :

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway :

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel intended for any House, to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof :

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes therein, to the Danger or Obstruction of any Person :

Every Person who shall convey or carry, or cause to be conveyed or carried, the Carcass or any Part of the Carcass of any slaughtered Cattle without a sufficient Cloth Covering to the same :

Every common Prostitute or Nightwalker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers :

Every Person who shall wilfully and indecently expose his Person :

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting or Representation ; or sing any profane, indecent, or obscene Song or Ballad ; or write or draw any indecent or obscene Word, Figure, or Representation ; or use any profane, indecent or obscene Language, to the Annoyance of the Inhabitants or Passengers :

Every person who shall use any threatening, abusive, or insulting Words or Behaviour, with intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :

Every Person who shall wantonly discharge any Fire-arm ; or throw or discharge any Stone or other Missile to the Damage or Danger of any Person ; or make any Bonfire ; or throw or set fire to any Firework :

Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell, or knocking at any Door, without lawful Excuse ; or who shall wilfully or unlawfully extinguish the Light of any Lamp :

Every person who shall fly any Kite or play at any Game to the Annoyance of the Inhabitants or Passengers ; or who shall make or use any Slide upon Ice or Snow to the common Danger of the Passengers.

Every Person who shall burn, dress or cleanse any Cork ; or cleanse, hoop, fire, wash, or scald any Cask or Tub ; or hew, saw, bore or cut any Timber or Stone ; or slack, sift, or screen any Lime :

Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, and other Materials, except Building Materials, or the Rubbish thereby occasioned, according to the Provision herein-before contained.

*Penalty of 40s. for certain other Offences herein mentioned.*

CXXXIV. And be it enacted, That every Person shall

be liable to a Penalty of not more than Forty Shillings who, within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling; or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling, with Chalk or Print, or in any other Way whatsoever; or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appurtenance thereunto, or any Tree, Shrub, or Seats, on the Stray or in any public Walk, Pleasure Ground, or Garden:

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Hand-rail; or leave defective the Door, Window, or other Covering of any Vault or Cellar; or who shall not sufficiently fence any Area, Pit or Sewer left open in or adjoining to any thoroughfare; or who shall leave such open Area Pit or Sewer without a sufficient Light after Sunset, to warn and prevent Persons from falling thereinto:

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal or Rubbish on any Street; or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond, or Reservoir for Water; or cause any offensive Matter to run from any Manufactory, Brewery, Slaughterhouse, Butcher's Shop, or Dunghill, into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence:

Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such things shall cause them to be removed as soon as the Occasion for them shall cease.

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground within One hundred Yards of any Dwelling House, so as the same may become a Nuisance or Annoyance to any Inhabitant.

*Power to Commissioners to light the Streets.*

CXXXV. Any be it enacted, That it shall be lawful for



the Commissioners, with Consent of a Majority of the Rate-payers assembled at an annual Meeting for the Settlement of Accounts, to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

*Commissioners or others empowered to provide Market Places.*

CXXXVI. And be it enacted, That it shall be lawful for the Commissioners, or for any Person or Persons authorized by them, to build and provide, maintain and improve, One or more Building or Buildings, Place or Places, for the daily Sale of Flesh Meat and other raw Victuals, Fish, Poultry, Game, Fruit, Vegetables, Butter, and Eggs, within the Limits of this Act, together with all Stalls, Standings, and other Conveniences and suitable Approaches for all Persons resorting thereto: Provided always, that nothing herein contained shall empower the Commissioners or such Person as aforesaid to hold any weekly Market, or to expose for Sale in or near such Building or Buildings, Place or Places, or within the Limits of this Act, any Cattle, Horses, Live Stock, Corn, Grain, or other Articles except those before enumerated, and that the Commissioners or such Person or Persons as aforesaid acting contrary thereto shall for any such Offence forfeit the Sum of Forty Shillings, to be recovered in the Manner herein-after provided.

*Places for weighing Carts and Carriages.*

CXXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or provide proper Buildings or Places, in such convenient Situation within the said Limits as the Commissioners shall think proper, for weighing Waggons, Carts, or Carriages laden with Goods, and to maintain the same, and to provide proper Machines for such Purpose, and to appoint a Person for the weighing of such Carts or Carriages.

*Notice of opening Markets.*

CXXXVIII. And be it enacted, That before any of the said Market Places shall be opened for public Use, the Commissioners shall give Ten Days Notice of the Time at which the same will be opened; and every such Notice shall be given by printed Handbills or Advertisements posted on the



Doors of the several Churches and Chapels within the Limits of this Act.

*Sale elsewhere than in the Markets prohibited.*

CXXXIX. And be it enacted, That after any of the Market houses or Places shall be opened for public Use, and so long as there shall be sufficient Accommodation for the Inhabitants within the Limits of this Act, no Person shall sell or expose to Sale in any open Street within the said Limits any of the Provisions or Commodities herein-before mentioned, and any Person who shall, after the opening of such Market, or during such Time as aforesaid, sell or expose to Sale any of the Articles aforesaid in any open Street within the said Limits, except such Articles as the Commissioners may permit or allow, shall for every Offence be liable to a Penalty not exceeding Forty Shillings.

*Hackney Coaches to be licensed.*

CXL. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to license such Number of Hackney Coaches or Carriages of any Kind or Description, whether drawn by Horses, Mules, or Asses, or such Number of Saddle Horses, Mules, or Asses, to ply for Hire within the Limits of this Act as they shall think fit.

*Licence to be in force for One Year.*

CXLI. And be it enacted, That every Licence so to be granted shall be signed by Five or more of the Commissioners, and shall express the Number of the Hackney Coach or Carriage, Horse, Mule, or Ass, and shall not include more than One Carriage or Animal so Licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next general licensing Meeting, in case any such general licensing Day shall be appointed by the Commissioners, as they are hereby authorized to do.

*Licences to be registered.*

CXLII. And be it enacted, That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Coach, Carriage, or Animal shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Coach, Carriage, or Animal.

*Fee on Licence.*

CXLIII. And be it enacted, That for every such Licence there shall be paid to the Clerk of the Commissioners the Sum of Two Shillings and Sixpence.

*Licences to be suspended or revoked for Misconduct.*

CXLIV. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Hackney Coach, Carriage, or Animal, be suspended or revoked by the Commissioners, as they shall deem right.

*Penalty for plying without Licence.*

CXLV. And be it enacted, That if the Driver or Attendant of any Hackney Coach, Carriage, or Beast shall be found standing or plying for Hire, or using any such Coach, Carriage, or Animal, within the Limits of this Act, without a Licence from the Commissioners, the Owner, Driver or Attendant of such Coach, Carriage, or Animal so offending, shall for every such Offence forfeit and pay any sum not exceeding Forty Shillings.

*Penalty for refusing to pay the Fare.*

CXLVI. And be it enacted, That if any Person shall refuse to pay on Demand, to any Hackney Coachman, or Person, the regular Fare due to him for the Hire or Service of any licensed Hackney Coach, Carriage, or Beast, he shall be liable to a Penalty not exceeding Forty Shillings.

*Penalty for damaging the Coach.*

CXLVII. And be it enacted, That if any Person shall cut, break, or injure any such Coach or Carriage, such Person shall for every Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Hackney Coach or Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty.

*Bye Laws for regulating the Hackney Coaches, &c.*

CXLVIII. And be it enacted, That, for better regulating the Hackney Coaches, Carriages, Horses, Mules, or Asses to be so licensed as aforesaid, it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as

they shall think fit, and for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners, Drivers, and Attendants thereof respectively in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For regulating the Numbers of such Hackney Coaches or Carriages and Animals:

For regulating the Number of Persons to be carried by such Coaches or other Carriages, and what Number of Horses or other Animals are to draw the same.

For fixing and altering the Stands of such Coaches or Carriages and Animals.

For fixing the Rates or Fares to be paid for such Hackney Coaches and Animals. *X* *2nd Nov*

For punishing the Misconduct of Hackney Coachmen and Persons attending such Carriages and Animals, whether in the Way of Imposition, by demanding or receiving more than the regular Fare, or otherwise.

And the Commissioners may from Time to Time, as they shall think fit, repeal any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of England or the Provisions of this Act, and be signed by Three of the Commissioners, and be printed and published as herein-after mentioned.

*Bye Laws for the Management and Protection of the Mineral Waters.*

CXLIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make Bye Laws for the Management, Repairs, and Protection of the Wells and Springs of Medicinal or Mineral Waters herein-before mentioned, and all other Matters relating to the same, or to the serving or supplying the Waters therefrom, so as to secure to the Persons resorting to the said Wells and Springs the Benefits intended by the Acts herein-before recited.

*Penalty for enforcing Bye Laws.*

CL. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws to be made by them in pursuance of this Act, to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Five Pounds for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed



thereby may be sought to be recovered to order the Whole or any Part of such Penalty to be recovered.

*Bye Laws to be confirmed.*

CLI. And be it enacted, That no such Bye Law (except such as may relate solely to the Officers or Servants of the Commissioners) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the West Riding of the County of York ; and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same as to them may seem meet : Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given by printed Handbills circulated within the Limits of this Act One Month at least before the hearing of such Application ; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

*A Copy of proposed Bye Laws to be open for inspection.*

CLII. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation such Bye Laws a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners, or at the Residence of their Clerk ; and it shall be lawful for all Persons, at all reasonable Times, to inspect such Copy without Fee or Reward, and to be furnished by the Commissioners or their Clerk with a Copy thereof, or any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

*Publication of Bye Laws.*

CLIII. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards, and affixed in the Office of the Clerk of the Commissioners ; and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward ; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.



*Bye Laws to be binding on all Parties.*

CLIV. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

*Proof of making Publication of Bye Laws.*

CLV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Chairman of the Court which shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws, in all Cases of Prosecution under the same, without adducing Proof of such Signature; and, with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a painted Board, containing a Copy thereof, was affixed and continued in Manner by this Act directed, and, in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued, as directed by this Act.

*Penalty for damaging Boards.*

CLVI. And be it enacted, That if any Person shall pull down or destroy, damage or deface, any Board fixed in any Office, in pursuance of this Act, for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every Person doing any such Damage shall also be liable to pay for or make good all Damage done, and the Expences occasioned thereby.

*Appointment of Constables.*

CLVII. And be it enacted, That the Commissioners shall from Time to Time appoint and employ such Number of Constables and other Officers as they shall judge necessary for the proper Protection of the Inhabitants and Property within the Limits of this Act, and shall allow them such Salaries or Wages as they think proper; and it shall be lawful for the Commissioners from Time to Time to remove any such Constables and Officers as they shall think fit.

*Power to Commissioners to provide Offices, Watch-houses, &c.*

CLVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or rent from any Person any Buildings or Lands, and to convert such Buildings into, or to build on such Land, Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and to repair the same from Time to Time, and to furnish and fit up the same, and to employ proper Persons to take care thereof.

*Constables to be sworn in.*

CLIX. And be it enacted, That it shall be lawful for any Justice to swear in as Constables any Persons so appointed and employed; and the Constables and Officers so sworn in shall have, not only within the Limits of this Act, but within Three Miles thereof, the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *England*.

*Power to Two Justices to dismiss a Constable.*

CLX. And be it enacted, That it shall be lawful for any Two Justices to dismiss or suspend, for Neglect of Duty, any Constable or Officer appointed under this Act; and no Person so suspended or dismissed shall be re-appointed, except with the Consent of Two Justices; and when any Person shall be so dismissed or suspended all Powers vested in him as a Constable shall cease or be suspended.

*Commissioners to make Rules for regulating the Conduct of Constables, &c.—Penalty for Disobedience.*

CLXI. And be it enacted, That it shall be lawful for the Commissioners to make such Rules and Orders as they shall think fit for regulating the Conduct of the said Constables and Officers; and if any such Constable or other Officer shall not faithfully observe and perform such Rules and Orders he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and, if the Commissioners shall think proper, shall also be immediately discharged from his Office or Employment.

*Duties of Constables.*

CLXII. And be it enacted, That such Constables and Officers shall keep Watch and Ward within the Limits of

this Act, and shall use their utmost Endeavours to prevent any Mischief by Fire, and all Felonies, Misdemeanors, and Breaches of the Peace; and it shall be lawful for them to arrest and detain in some convenient Place of Security within the Limits of this Act, to be provided by the Commissioners for that Purpose, all Felons, and all loose, idle, and disorderly Persons whom they shall find disturbing the public Peace, and whom they shall have good Reason to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom they shall find, between Sunset and the Hour of Eight in the morning, loitering in any Street, and not giving a satisfactory Account of themselves, and the Persons so arrested shall be taken as soon as conveniently may be before some Justice, to be examined and dealt with according to Law: Provided always, that no Person so arrested shall be detained in Custody by any Constable or other Officer longer than Forty-eight Hours.

*Penalty for Neglect of Duty.*

CLXIII. And be it enacted, That every such Constable or other Officer as aforesaid who shall be guilty of any Neglect or Violation of his Duty as a Constable, or as prescribed by this Act, shall be liable to a Penalty of not less than Five Pounds, or, in the Discretion of the Justice before whom he may be convicted, may lawfully be imprisoned, with or without hard Labour, for any Time not exceeding One Month.

*Rewards to Constables.*

CLXIV. And be it enacted, That it shall be lawful for the Commissioners to allow to any such Constable or Officer such Gratuities and Rewards for apprehending Felons and other Offenders as to them shall seem proper, and to defray the Expence of prosecuting any Felons or Offenders, and of defending any such Constable or Officer in the Execution of his Duty, and to give such Rewards or Compensation to any such Constable or Officer as may be disabled in the Execution of his Duty, or worn out by Length of Service, as the Commissioners shall think reasonable.

*Penalty on Persons assaulting Constables.*

CLXV. And be it enacted, That every Person who shall assault or resist any such Constable or Officer in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a



Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding Two Months.

*Penalty on Coffee Shop Keepers harbouring disorderly Persons.*

CLXVI. And be it enacted, That every Person having or keeping a House, Shop, Room, Cellar, or Vault within the Limits of this Act, wherein ready-made Tea or Coffee, or Refreshments or Provisions of any kind, shall be drunk, used, or consumed, (whether the same shall be kept or retailed therein, or bought or procured elsewhere,) who shall knowingly permit or suffer common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at and continue in his House, Shop, Room, Cellar, or Vault, or to play at any Game with Cards or Dice therein, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

*The Houses of convicted Coffee Shop Keepers to be open to Police at all Times.*

CLXVII. And be it enacted, That it shall be lawful for all Constables and Officers of Police appointed under this Act at all Times to enter into any House, Shop, Room, Cellar, or Vault within the Limits of this Act where ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be so drunk, used, or consumed as aforesaid, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault shall, within Twelve Months previous to such Entry, have been convicted of knowingly permitting or suffering common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at the same, and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, shall in such Case refuse to admit, or shall not, on Application, admit such Constable or Officer into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

*Power to make Rates or Assessments to defray the Expences of this Act.*

CLXVIII. And in order to raise Money for paying the Expences attendant upon obtaining this Act (after deducting therefrom the Amount of any Sums which may be obtained



by Subscription,) be it enacted, That it shall be lawful for the Commissioners, so soon after the passing of this Act as they shall think fit, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by any Seven or more of the said Commissioners, upon the Owners or reputed Owners of the said Stray, and all Lands, Houses, Shops, Warehouses, Coach-houses, Cellars, Buildings, Gardens, and Yards within the Limits of this Act, according to the annual Value of the same respectively as estimated in the several Rates for the Relief of the Poor; and for carrying the several Purposes of this Act into execution it shall be lawful for the Commissioners, Once in every Year after the passing of this Act, or oftener if they shall think it necessary, the First Year to be computed from the Sixth Day of April, One thousand eight hundred and forty-two, to make One or more equal Rate or Rates, Assessment or Assessments, to be also signed by any Seven or more of the said Commissioners, upon the Tenants or Occupiers of all Houses, Shops, Warehouses, Coach-houses, Cellars, Buildings, Gardens, and Yards within the Limits of this Act, according to the annual Value of the same, so as such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any One Year the Sum of One Shilling in the Pound of such annual Value as aforesaid, except as is next herein-after provided.

*Annual Rate may be increased by Consent of a General Meeting of Rate-payers.*

CLXIX. And be it enacted, That if it shall at any Time appear that the said Sum of One Shilling in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the Sum of Two Shillings in the Pound on such annual Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them, One Month previous to such annual Meeting, by Notices on the Doors of the Churches and Chapels of Ease within the Limits of this Act.

*Rate to be vested in the Commissioners.*

CLXX. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable, at such Times as they shall direct, to the Collectors to be appointed by them.

*Certain Buildings not to be rated.*

CLXXI. And be it enacted, That no Church, Chapel, Meeting House, Churchyard or Chapelyard, Hospital, Market-house, National or Charity School, or Workhouse whatsoever, situated within the Limits of this Act, and not yielding a Profit, shall be liable to be assessed to any of the Rates to be raised by virtue of this Act.

*Value of Property to be according to the Poor Rate.*

CLXXII. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding Assessment for the Relief of the Poor of the several Townships within the Limits of this Act, except in such Cases as are herein-after mentioned.

*Poor Rates to be open to Inspection by Commissioners.*

CLXXIII. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the Townships within the Limits of the Act, and the Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

*If Poor Rate an unfair Criterion, a Valuation to be made.*

CLXXIV. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor within the Limits of this Act shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all rateable Property within the Limits of this Act, by some competent Person, to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

*Valuer to make a Declaration.*

CLXXV. And be it enacted, That, before any such Valuation shall be made, the Person appointed to make such

Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially, according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

*Rate Books to be Evidence.*

CLXXVI. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

*Rates may be amended.*

CLXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

*Occupiers may be rated if they think fit.*

CLXXVIII. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act; and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates.

*Rates to be recovered by Action or by Distress.*

CLXXIX. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said



Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at Westminster, or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him, at the Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

*Form of Warrant of Distress.*

CLXXX. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include One Person or several Persons, and may be to the Effect mentioned in Schedule (E.) to this Act annexed.

*Constables to assist in making Distress.*

CLXXXI. And be it enacted, That in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale, pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

*Power to Commissioners or Justices to remit Rates.*

CLXXXII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate, or on account of any Buildings within the said Limits not being lighted and watched by virtue of this Act.

*Owners to pay the Rate in certain Cases.*

CLXXXIII. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Three Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.



*Not necessary to name the Owner unknown.*

CLXXXIV. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in Person making the Rate Book of the Commissioners as the Owner of the Property, by the Designation of "the Owner," without stating his Name.

*Receiver of Rents to be deemed the Owner.*

CLXXXV. And, in Order to prevent any Dispute touching Word "Owner," for the Purpose of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act, from the Occupier thereof, on his own Account, or as Agent of any other Person, shall be deemed the "Owner" of the same for the Purpose of such Rating.

*Tenants under existing Leases to repay the Owner.*

CLXXXVI. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

*In default of Owner for Six Months, Occupier to pay.*

CLXXXVII. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of Rent due from him on Application being made to him for that Purpose.

*Owner to repay the Occupier.*

CLXXXVIII. And be it enacted, That if the amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Owner of any rateable Property, shall be paid by the Occupier of such property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress, if any, paid by him from the Rent due or to become due from him to such Owner.

*Remedy against Persons quitting before Payment of Rates.*

CLXXXIX. And be it enacted, That if any person shall quit, or be about to quit, any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector, on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside or his Goods be found, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

*Rates to be apportioned on Holder quitting.*

CXC. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionate to the Time during which he continued to be Owner or Occupier; and if any Person shall become the Owner or Occupier of any Property so rated as aforesaid, during any Part of any Period for which any Rate shall have been made, such Person shall Pay a portion of such Rate, proportioned to the Time during which he shall have held or occupied the Property so rated.

*Persons entering on unoccupied Property to pay a Portion of the Rate.*

CXCI. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of

making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

*On Appeal, Quarter Session, may amend Rate.*

CXCII. And be it enacted, That on all Appeals from any Rate made in pursuance of this Act it shall be lawful for the Justices assembled in Quarter Sessions to amend such Rate, either by inserting therein or by striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Justices shall think just without quashing such Rate.

*Application of the Rates.*

CXCIII. And be it enacted, That the Money which shall arise from the said Rates, as also all other Money to be received by the Commissioners under this Act, shall be applied, in the first place, in Payment of the Interest of all Moneys borrowed on Mortgage of the said Rates and of the Annuities granted by virtue of this Act, and afterwards in defraying the Expenses of flagging, cleansing, watering, draining, and watching the several Streets within the Limits of this Act, and of improving the same, and carrying the several Purposes of this Act into execution, and in paying off the Principal Sums borrowed on the Credit of the Rates in such Order as the Commissioners shall direct.

*Award respecting Right of Pasture in the Stray in certain Copyholders.—Fifteen Acres added to the Stray by 29 G. 3. c. 76. to be surveyed, and form part of the Stray.*

CXCIV. And whereas the Commissioners appointed by virtue of the herein-before recited Acts, by their general Award dated the Nineteenth Day of *August* One thousand seven hundred and seventy, did award that the several Copyholders therein named, their Heirs or Assigns, should have and for ever enjoy the Pasture Gates therein specified, amounting to Fifty in the whole, and did also order and award the Stint to be observed by the said Copyholders on depasturing the said Two hundred Acres of Land, the Boundaries whereof were also set out and described in the said Award: And whereas by the Act of the Twenty-ninth



Year of His said late Majesty, herein-before recited, certain small Slips of Ground on the sides of several roads adjoining the said Stray, and containing Fifteen Acres and upwards, were, when surveyed and measured by the Commissioners named in the said Act, to form Part of the said Stray, but no Survey or Measurement of the same has since been made; be it therefore enacted, That the Owners of the said Stray Gates shall and they are hereby authorized to cause to be made an exact Survey and admeasurement of the said Slips of Ground, and to file the same amongst the Records of the Court for the Honour of *Knaresborough*, for the safe Custody, and Inspection by all Parties concerned, subject nevertheless to such Power of Appeal as is given by the said recited Act of the Twenty-ninth *George* the Third, to the Intent that the said Slips of Ground may be united to and form Part of the said Stray, as intended by the last-mentioned Act, and be subject to the same Management and Control as the said Stray.

*Meetings of Stray Owners.*

CXCV. And whereas the said Stray has not been improved in the Manner intended by the said recited Act; be it therefore enacted, That on the Third *Thursday* after the passing of this Act, or so soon as conveniently may be, and in every succeeding Year on the first *Thursday* after the Twenty-fifth Day of *March*, or so soon thereafter as conveniently may be, the Stray Owners for the Time being shall meet at some convenient Place within the Limits of this Act, and shall at such Meeting appoint a Committee, make such Regulations for the Draining, Management, and Improvement of the said Stray, and determine the Number of Cattle to be turned thereon, as to the major Part of them attending at the said Meetings, or at any Adjournment thereof, shall seem proper.

*Notice of Meeting.*

CXCVI. And be it enacted, That Ten Days previous Notice of every such Meeting shall be sent by Post to each of the Stray Owners by the Two Stray Masters or other Officer to be appointed by the Committee herein-after mentioned.

*Appointment of Committee of Stray Owners.*

CXCVII. And be it enacted, That the First Meeting of Stray Owners held under the Authority of this Act a Committee out of their Number shall be appointed, to consist of not less than Nine Persons, and of whom Five shall form



a Quorum, who shall exercise all the Powers and Authorities vested in the Stray Owners generally by the said recited Acts, or either of them, or this Act ; and such Committee shall continue in Office until the First *Wednesday* after the Twenty-fifth Day of *March* One thousand eight hundred and forty-two, and at the same Time in each succeeding Year the whole of the Committee shall go out of Office ; provided nevertheless, that the Members of such retiring Committee, or any of them shall be eligible to be re-elected.

*Meetings of the Committee of Stray Owners.*

CXCVIII. And be it enacted, That the Committee shall hold their First Meeting, at some convenient Place within the Limits of this Act, on the First Thursday after their Election, or on some subsequent Day, between the Hours of Eleven o'Clock in the Forenoon and Three o'Clock in the Afternoon, and proceed to put the Powers hereby vested in them into execution ; and the Committee shall adjourn from Time to Time as they shall think fit, or if there be no Adjournment, then the Committee shall be assembled at any Time, upon the Request of any Two Members of such Committee, upon Two Days Notice being given or sent by Post to each Member thereof.

*No Resolution valid unless at a Meeting.*

CXCIX. And be it enacted, That no Resolution of the Committee shall be valid unless the same be agreed to at a Meeting held by virtue of this Act.

*Election of Chairman.*

CC. And be it enacted, That at all General or Special Meetings of the said Stray Owners or Committee the first Business shall be the Election of a Chairman thereof, and in all Cases where the Number of Votes shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote.

*Mode of voting.*

CCI. And be it enacted, That at all General or Special Meetings of the Stray Owners, each Stray Owner may either attend in Person, or authorize some Person, in Writing under his Hand, to appear and vote for him by Proxy, such Proxy specifying the Meeting at which it is intended to be used ; and at all Meetings whatsoever each Stray Owner appearing personally or by Proxy shall be entitled only to One Vote.

*Certain Powers of the Commissioners extended to the Committee.*

CCII. And be it enacted, That the Committee shall enter their Proceedings, cause Accounts to be kept and audited, have Power to enter into Contracts, be exempt from personal Responsibility under Contract, and have Power to appoint Stray Masters, Herdsmen, and other Officers, with such Salaries as they shall think proper, to transact the Business relating to the said Stray, in the same Manner and under the same Restrictions as the Commissioners appointed by this Act.

*How Stray Owners to sue or be sued.*

CCIII. And be it enacted, That the Stray Owners, or the Committee to be by them appointed, may sue and be sued, or direct any Prosecution or Information, for or concerning any Matter or Thing relating to the Stray, or any of the Powers vested in them by the said recited Acts or this Act, in the Name of the Stray Masters, or any one of the Committee for the Time being, and that such Stray Master or Committee-man shall be a competent Witness in all such Proceedings, and shall be reimbursed out of the Rates to be levied on the Stray Owners.

*Stray Owners to make Laws regarding the Stray.—Such Bye Laws to be confirmed and filed in the Court of the Honor of Knaresborough.*

CCIV. And be it enacted, That it shall be lawful for the Stray Owners assembled at an Annual or Special Meeting from Time to Time to make such Bye Laws for preventing and punishing any Abuse or Injury to the said Stray, by turning or keeping of Cattle contrary to the Stint, or otherwise by driving any Stage Coach, Waggon, or Cart on or across the said Stray, or any of the Drives, Footpaths, or Walks thereon, except public Highways, or setting up or erecting any Booth or other temporary Erection, or making any Encroachment or Nuisance on the said Stray, or any of the Footpaths thereon, and for inflicting such moderate Penalties for any wilful Breach or Disobedience of such Bye Laws as the said Stray Owners shall think reasonable, but not to exceed Forty Shillings for any One Offence, which Penalties shall be recovered in the Manner hereinafter directed with regard to other Penalties: Provided always, that no such Bye Laws, or any Alterations therein, shall be in force until after the same have been allowed and confirmed by the Court of Quarter Sessions of the West Riding of the

County of York in the Manner and subject to the Provisions herein-before mentioned, and until after a written Copy of the said Bye Laws or Alterations has been filed amongst the Records of the Courts of the Honor of Knaresborough, and affixed in some conspicuous Part of the said Stray for the Space of One Month; and provided also, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty thereby imposed may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

*For raising Money to improve the Stray.*

CCV. And be it enacted, That for raising Money to defray the Expences attendant upon draining and otherwise improving the Stray, and paying the Salaries of the Officers to be appointed by the Committee, it shall be lawful for the Committee from Time to Time, during the Space of Five Years from the passing of this Act, to make an Assessment, not exceeding the Sum of Five Pounds a Year, upon each Owner of a Stray Gate or the fractional Part of a Stray Gate, in proportion to the Number of Gates or Part of a Gate possessed by him; and from and after the Expiration of the said Five Years to make such equal Assessment, not exceeding Ten Shillings per Annum for each Stray Gate or Proportion of a Stray Gate, as the Case may be, possessed by each Stray Owner, for the Purpose of keeping up the said Improvements and paying the Salaries of the Officers; the Surplus, if any, to be disbursed under the Directions of the Committee.

*Recovery of Rates from Stray Owners.*

CCVI. And be it enacted, That if the Owner of any Stray Gate, or Party claiming to be a Stray Owner, duly assessed under the Authority of this Act, shall not pay his Proportion of any Assessment for the Space of Twenty-eight Days after personal Demand thereof, or Notice in Writing has been left at or sent by Post to his usual or last Place of Abode, such Assessment shall be recovered and levied by Distress and Sale of the Goods and Chattels of such Stray Owner, by Warrant under the Hand and Seal of any Justice, and the Overplus (if any) of the Money raised by such Distress and Sale shall be returned to the Owner, after deducting all Expences attending the same; but if the Party failing to pay as aforesaid shall have no Goods whereupon such Distress can be made, then it shall be lawful for the Committee to



prohibit the said Stray Owner, or any Tenant or Person by him authorized, to turn any Cattle on the said Stray, and to let the Stray Gate or Stray Gates or Proportion of a Stray Gate belonging to such Defaulter, and receive and take the Benefit of such letting, until out of the Proceeds thereof the Assessments and all Expences incurred by such Nonpayment, shall be fully satisfied: Provided always, that the Committee, in the Name of one of their Number, may recover any such Assessment, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at Westminster, or in the Court for the Honor of Knaresborough, at the Discretion of the said Committee.

*Power to Tenants for Life, &c. to mortgage Stray Gates.*

CCVII. And be it enacted, That every Owner of a Stray Gate or Proportion of a Stray Gate, being at the Time of the passing of this Act, or within Five Years thereafter, Tenant for Life or Years, or seised of any Estate therein determinable within the Compass of a Life or Lives, and the Husband, Guardian, and Trustee of or for such Owner as is now and shall be within the Period aforesaid under Coverture, a Minor, or otherwise incapable of acting for himself or herself, shall have and is hereby invested with full Power and Authority, by Writing of Surrender under his or her Hand, at any Time within the said Term of Five Years, to surrender, by way of Mortgage, the said Stray Gate or Proportion thereof of which he shall be possessed for such limited Estate as aforesaid, for securing such Sum of Money, not exceeding the Proportion of the Sum of Twenty-five Pounds, leviabie under the Powers of this Act, during the first Five Years after the passing thereof, for the Improvement of the said Stray, which may be unpaid at the Time of making such Mortgage, for each Stray Gate or Proportion thereof, as shall be called for by the said Committee for the Purpose of improving the said Stray, and the Expences attendant upon such Mortgage, unto such Person as shall be willing to advance and lend the same respectively for any Term or Number of Years, so that every such Surrender shall be made with a Proviso to cease and be void or be re-surrendered on Payment of the Sum of money thereby to be secured with Interest thereon, at the End of the Year after making thereof, and also with the Proviso that the Person entitled to the Remainder or Reversion of the Stray Gate or Proportion thereof so to be mortgaged shall not be liable, upon his becoming possessed thereof, to the Payment of any further



Arrears of Interest than for One Year preceding the Time when his Title shall have commenced in Possession.

*Special Meetings of Stray Owners.*

CCVIII. And be it enacted, That it shall be lawful for any Two of the Committee to call a Special Meeting of the Stray Owners, of which Meeting Ten Days Notice in Writing, specifying the Object, Time, and Place of Meeting, shall be given to, or left, or be sent by Post addressed to the usual Residence of each Stray Owner, at which Meeting only the Business specified in such Notice is to be transacted, in the same Way as at any General or Annual Meeting authorized by this Act.

*Power to Stray Owners to permit Roads over the Stray, and Inclosure in small Slips in Front of Houses.*

CCIX. And be it enacted, That, for the Purpose of promoting Uniformity, and improving the Properties abutting upon the said Stray, it shall be lawful for the Stray Owners assembled at any General or Special Meeting to authorize any Person whose Property and Premises shall abut upon or adjoin the said Stray to make a suitable or more convenient Way or Road over the said Stray to such Property or Premises, or to enclose any small Slips of Land adjoining such Property and Premises, upon such Terms and Conditions, and with such Restrictions, and for such Terms and Consideration, in Money or otherwise, as a Majority of the Stray Owners present at such Meeting shall determine: Provided always, that the Money paid for such Way or Road or Inclosure shall be paid to the Committee, to be applied by them towards the general Improvement of the said Stray in manner herein-before mentioned.

*Stray Owners to regulate the Stint; to let additional Stray Gates.—No Cattle to be turned on to Stray between 1st of April and 12th of May.*

CCX. And be it enacted, That it shall be lawful for the Stray Owners assembled at the annual Meeting from Time to Time to regulate the Stint of the said Stray, and to authorize each Stray Owner to turn on to the said Stray such a Number of Cattle in proportion to the Number of Stray Gates possessed by him, compared with the Stray Gates possessed by the other Stray Owners, and also to authorize the Committee to let any additional Number of Stray Gates for such Term as they may think proper, to any Person not

being a Stray Owner, the Proceeds arising from such Letting to be paid to the said Committee, and to be appropriated from Time to Time as the major Part of the Stray Owners assembled at such annual Meeting shall direct: Provided always, that after the passing of this Act no Stray Owner or other Person whatsoever shall be permitted to turn any Horse, Beast, or Cattle of any Description upon the said Stray between the First of April and the Twelfth Day of May in every Year.

*Straying Cattle found upon the Stray to be impounded.*

CCXI. And be it enacted, That if any Horse, Cattle, or other Animal shall at any Time be found at large upon the said Stray, the Owner whereof shall not have a Right of Pasturage thereupon, or if any Stray Owner or his Tenant shall turn on to the said Stray any Horse, Cattle, or other Animal beyond his proper and authorized Stint, or if any Stray Owner shall be in arrear with the said Rate or Assessment or any Part thereof, or if any Horse, Cattle, or other Animal belonging to any Stray Owner or his Tenant shall be found upon the said Stray between the First Day of April and the Twelfth Day of May in any Year after the passing of this Act, it shall be lawful for any Officer of the Committee, or for any of the Stray Owners or Occupiers of Stray Gates, to seize and impound any such Horse, Cattle, or Animal in the Common Pound within the Limits of this Act, or in such other Place as the Committee shall appoint for that Purpose, and to detain the same therein until the Owner thereof shall, for each Animal so impounded, pay a Sum of Money, not exceeding Five Shillings, to the Committee, towards the Purposes of this Act relating to the said Stray, and also the Sum of One Shilling to the Person for impounding the same, besides the reasonable Expences of impounding and keeping the same.

*Power to sell Stray Cattle for Penalty and Expences.*

CCXII. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the Committee, to sell or cause to be sold any such Animal; but previous to such Sale, Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, and if not, then Notice of such intended Sale shall be given by Adver-

tisement to be inserted Seven Days before such Sale in some Newspaper published or circulated in the said West Riding of the County of York ; and the Money arising from such Sale, after deducting the said Sums and Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Committee, to be paid by them to the Person whose Property the Animal so sold shall appear to have been, and which Money the Committee is hereby required to pay on Demand.

*Persons guilty of Pound Breach or Rescue of Distress to be committed for Three Months.*

CCXIII. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to the Common Gaol or House of Correction for the said West Riding, there to remain without Bail for any Time not exceeding Three Calendar Months.

*Not to prevent Proceedings at Law.*

CCXIV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prevent any Action, Indictment, or other Proceeding being preferred or taken in respect of any of the Matters and Things herein mentioned which are cognizable by the Laws of this Realm.

*Damages to be ascertained with the Penalty.*

CCXV. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Non-payment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence,



and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

*Provision for Damages not otherwise provided for.*

CCXVI. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Non-payment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices, and the same, together with the Costs of the Recovery before the Justice or Justices, shall be levied by Distress, and the Justice or Justices shall issue his or their Warrant accordingly.

*Recovery of Money from Commissioners.*

CCXVII. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners or Committee of Stray Owners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners or the Committee, and if no sufficient Goods of the Commissioners or the Committee can be found, by Distress of the Goods of the Treasurer of the Commissioners or the Committee; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

*Reimbursement of Treasurer.*

CCXVIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid, it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to use the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.



*Liability to Rates not to disqualify Witnesses or Justices.*

CCXIX. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised by this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before any Court of Justice by virtue of this Act; and no Justice shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money towards the Rates authorized to be raised by this Act.

*Penalties to be summarily recovered before One or more Justices.*

CCXX. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons, requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

*Penalties to be levied by Distress.*

CCXXI. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with Costs of the Distress, shall be levied by Distress, and any One or more Justices shall issue their Warrant of Distress accordingly.

*Imprisonment in default of Distress.*

CCXXII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender gives sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

*Application of Penalties.*

CCXXIII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Commissioners or Committee of the Stray Owners, as the case may be, and the other Half thereof to the Informer or any Person suing for the same, or, if either Commissioners or the Committee be the offending Parties, shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Township in which the Offence shall have been committed, for the Benefit of the Poor of such Township.

*Penalties to be sued for within Six Months.*

CCXXIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the complaint respecting such Offence shall have been made before such Justice within Six Months next after the commission of such Offence.

*Justices may administer an Oath.*

CCXXV. And be it enacted, That any Justice may administer an Oath to any Person appearing as a Witness before him in any Matter of which he shall have cognizance by means of this Act.

*Penalty on Witnesses making default.*

CCXXVI. And be it enacted, that it shall be lawful for any Justice to summon any Person as a Witness to testify the Truth in any Matter of which he shall have Cognizance by means of this Act; and if any Person who shall be summoned as a Witness before any Justice touching any such Offence committed against this Act, or any Bye Law made by virtue thereof, or any other Matter, shall without any reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

*Transient Offenders.*

CCXXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Servant of the Commissioners or of the Committee of the Stray Owners, and all Persons called by such Officer or Servant to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Servant, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

*Form of Conviction.*

CCXXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (F.) to this Act annexed.

*Informalities.*

CCXXIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.



*Distress, how to be levied.*

CCXXX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus (if any) arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

*Distress not to be unlawful for Want of Form.*

CCXXXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

*Parties may appeal to Quarter Sessions on giving Security.*

CCXXXII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made, or any Determination or Adjudication of any Justice, under the Provisions of this Act, he may appeal to the General Quarter Sessions for the Riding or County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order or the Court thereon.

*Court to make such Order as they think reasonable.—Costs.*

CCXXXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the follow-



ing Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Rate Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

*Saving the Rights of Her Majesty.*

CCXXXIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, as well in Right of Her Crown as in Right of Her Duchy of Lancaster, and to all and every other Person, his Heirs and Successors, Executors and Administrators, all such Rights and Interests as they and every of them had, held, or enjoyed before the passing of this Act, or could or ought to have had, held, or enjoyed in case the same had not been made, other than and except such Rights and Interests as are herein-before mentioned or intended to be taken away, extinguished or lessened, changed or modified.

*Interpretation Clause.*

CCXXXV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Justice" shall mean Justice of the Peace acting within the West Riding of the County of York:

The Word "Street" shall include any Square, Street, Court or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of this Act:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Words "Stray Gates" shall mean Cattle Gates and Pasture Gates :

The Word "Stray" shall be understood to include the Two hundred Aeres Stinted Pasture, Waste, or Common mentioned in the said Acts of His said Majesty King George the Third :

The Words "Wells or Springs" shall include and extend to Spas, Medicinal or Mineral Waters, Wells, Springs, or Waters :

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act :

The Expression "the Committee" shall mean the Committee of Stray Owners for the Time being acting by virtue of this Act.

*Public Act.*

CCXXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

## SCHEDULES

### REFERRED TO BY THE FOREGOING ACT.

#### SCHEDULE (A.)

##### FORM OF MORTGAGE DEED.

BY virtue of an Act passed, &c., intituled, &c., we, Seven of the Commissioners appointed by [*or by virtue of*] the said Act, in consideration of the Sum of \_\_\_\_\_ paid to us by *A. B.* of \_\_\_\_\_ for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls, Rates, or Assessments arising by virtue of the said Act as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Tolls, Rates, or Assessments, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of \_\_\_\_\_ with Interest at \_\_\_\_\_ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (B.)

## FORM OF GRANT OF ANNUITY.

BY virtue of an Act passed, &c., intituled, &c., we, being Seven of the Commissioners appointed by the said Act, in consideration of the Sum of \_\_\_\_\_ paid by *A. B.*, do grant unto the said *A. B.* an Annuity or yearly Sum of \_\_\_\_\_ to be issuing out of the Rates, Tolls, and Assessments arising by virtue of the said Act, to be paid to the said \_\_\_\_\_ during the Term of his natural Life, [*or, as the Case may be*, to the said \_\_\_\_\_ his Executors, Administrators, or Assigns, during the natural Life of \_\_\_\_\_ or during the natural Lives of \_\_\_\_\_ and \_\_\_\_\_ and the Life of the Survivor,] upon the Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year during his natural Life, [*or, as the Case may be*, during the natural Life of said \_\_\_\_\_ or of the said \_\_\_\_\_ and \_\_\_\_\_ and the Survivor of them,] the first \_\_\_\_\_ Payment thereof to be made upon the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year One thousand eight hundred and \_\_\_\_\_

---

## SCHEDULE (C.)

## FORM OF TRANSFER OF MORTGAGE OR GRANT OF ANNUITY.

I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number \_\_\_\_\_ [*or a certain Grant of Annuity, Number \_\_\_\_\_ as the Case may be,*] made by the Commissioners for executing the [*Title of the Act*], to \_\_\_\_\_ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and \_\_\_\_\_ Interest [*or for granting an Annuity of \_\_\_\_\_ as the Case may be; or if such Transfer be by Indorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or the Annuity thereby granted*], and in and to the Tolls, Money, and Property thereby assigned. In witness whereof I have hereunto set my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (D.)

## FORM OF CONVEYANCE.

I                                  of                                  in consideration of the  
Sum of                                  paid to me [*or, as the Case may be,*  
into the Bank of England, in the Name and with the Privy  
of the Accountant General of the Court of Exchequer, ex  
parte "The Commissioners for the Improvement of High  
and Low Harrogate," [*or to A. B. of*                                  and  
*C. D. of*                                  Two Trustees appointed to receive  
the same,] pursuant to an Act passed, &c., intituled, &c., do  
hereby convey [*if Copyhold, surrender*] to the said Commis-  
sioners, their Successors and Assigns, all [*describing the*  
*Premises to be conveyed*], together with all Ways, Rights, and  
Appurtenances thereto belonging, and all such Estate, Right,  
Title, and Interest in and to the same as I am or shall  
become seised or possessed of, or am by the said Act  
empowered to convey; to hold the Premises and the said  
Commissioners, their Successors and Assigns, for ever, ac-  
cording to the true Intent and Meaning of the said Act. In  
witness whereof I have hereunto set my Hand and Seal the  
Day of                                  in the Year of our  
Lord

### SCHEDULE (E.)

FORM OF WARRANT OF DISTRESS.

to wit. } To one of the Collectors of the Rates under an Act passed, &c., intituled, &c., and to all Constables.

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the Limits of the above Act, have been duly rated in or are liable to the Payment of a Rate made on the \_\_\_\_\_ Day of \_\_\_\_\_ under the Authority of this Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, one of Her Majesty's Justices for the West Riding of the County of York; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid: These are therefore,



in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned, by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular Constables to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal this                      Day of                      in the Year of our Lord One thousand eight hundred and

Sums due.

£      s.      d.

A. B. ....

C. D. ....

## SCHEDULE (F.)

### FORM OF CONVICTION.

to wit. } BE it remembered, That on the                      Day of  
                    in the Year of our Lord  
} A. B. is convicted before me C. D., one of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to an Act passed in the Fourth Year of the Reign of Queen Victoria, intituled "An Act" [*here insert the Title of this Act.*] Given under my Hand and Seal, the Day and Year first above written.

C. D.

# BYE-LAWS, RULES AND ORDERS

## FOR THE MANAGEMENT, REPAIRS AND PROTECTION OF THE

# PUBLIC WELLS OR SPRINGS

## OF MEDICINAL OR MINERAL WATERS,

Made and passed at a Meeting held on the 22nd day of November, 1841.

---

### *Superintendence and Usage*

I. That no person shall serve or supply Water to Visitors or other persons, from any of the Public Wells or Springs of Medicinal or Mineral Waters, without the previous sanction and approval of the Commissioners; and every person serving or supplying, or attempting to serve or supply Mineral Water to Visitors or other persons, without such sanction and approval, or in any manner interfering in the serving or supplying of the Medicinal or Mineral Water, or with the Visitors or persons resorting to the said Wells, or with any of the servants of the Commissioners, shall for every such offence, forfeit and pay any sum not exceeding the sum of Five Pounds.

### *Management, Usage and Scale of Charges, for Chalybeate Wells.*

II. That all the Public Wells of Mineral Waters (except the Pump Room, built over the Sulphur Water Wells, at Low Harrogate,) shall be open to the public for the purpose of drinking the Waters, free of any charge whatever, between the Hours of Half-past Five o'Clock in the Morning and Ten o'Clock at Night, on persons providing themselves with drinking vessels; but if the attendant at the Chalybeate Well, or Tewit Well, situate on the Stray, in High Harrogate, shall provide glasses or other drinking vessels or furnish the Water; every person having the benefit of such service, shall pay to such attendant according to the scale following, that is to say, for One Per-

son for each Week, the sum of Six Pence; and for One Person for each Day, the sum of One Penny, to be respectively payable in advance; and every person neglecting to comply with, or offending against this Bye-Law, shall, for every offence, forfeit and pay any sum not exceeding the sum of Forty Shillings.

*Scale of Charges at Sulphur Wells.*

III. That the following scale of charges or subscriptions be levied and adopted for the use of the Pump Room, over the Sulphur Water Wells, at Low Harrogate, and attendance thereat in furnishing the Water; that is to say, for One Person for each Week, the sum of One Shilling; for One Person for each Day, the sum of Three Pence, except that Children under Twelve years of age, pay half of the above sums; to be respectively payable in advance to the person appointed by the Commissioners to collect or receive the same; and every person, neglecting to comply with, or offending against this Bye-Law, or using the Pump Room, before paying his or her subscription, or continuing to use the said Room, after his or her subscription shall have expired, without having renewed the same, shall for every such offence, forfeit and pay any sum not exceeding the sum of Forty Shillings.

*Bottling, &c.*

IV. That no Bottling of Water shall be permitted at the Pump Room, over the Old Sulphur Water Wells, at Low Harrogate, aforesaid, under any circumstances; and that no bottling of Water shall be allowed at the said Sulphur Water Wells, or at the Pump outside the said Pump Room, earlier than Eleven o'Clock in the Morning, nor later than Ten o'Clock at Night; and that no Water shall be drawn from the said Sulphur Water Wells, for the purpose of being taken away out of the limits of the said Aet, in Barrels, or similar large vessels; and every person found bottling Water, except between the hours and at the place aforesaid; or drawing Water from the said Sulphur Water Wells, in Barrels, or similar large vessels, shall forfeit and pay for every such offence, any sum not exceeding the sum of Forty Shillings.

*Protection of Wells.*

V. That if any person shall destroy, pollute or injure, or shall do any act that may destroy, pollute or injure any of the Public Wells or Springs of Medicinal or Mineral Waters,

situate contiguous to, or within, or upon the Stray or Two Hundred Acres, in Bilton-with-Harrogate, and Pannal; or any Building, erection, cistern, reservoir or apparatus, in any way connected therewith, and either now or hereafter erected or placed, for the better protection and preservation of the said Wells or Springs, (independently of any other proceedings he or she may make himself or herself liable to, or incur,) shall forfeit and pay for every such offence, any sum not exceeding the sum of Five Pounds.

VI. That these Bye-Laws shall commence and take effect from the first Day of March, 1842.

By order of the Commissioners,

SAMUEL POWELL, Jun., CLERK.

Signed by the following Commissioners:—

SAMUEL CARRINGTON,  
J. BENN,  
JOSEPH WAITE,  
R. WHINCUP,  
THOS. GORDON,  
M. WILSON,

CHRISTOPHER SCAIFE,  
JOHN BINNS,  
CHARLES GREEVES,  
THOS. SALT,  
HENRY PEACOCK,  
GEO. KNOWLES.

*The foregoing Bye-Laws were duly allowed by the Court, at the General Quarter Sessions of the Peace, for the West Riding of the County of York, held at Knaresbrough, in and for the said Riding, on Monday, the Third Day of January, 1842, pursuant to the Act of 4th Victoria, cap. 16.*

E. LASCELLES, CHAIRMAN.



# BYE-LAWS, RULES AND ORDERS,

## FOR REGULATING

# HACKNEY COACHES, &C., &C.,

MADE AND ORDAINED AT A MEETING OF THE COMMISSIONERS,

Held on the 22nd day of November, 1841.

### *Annual Licensing Day.*

I. That the General Annual Licensing Day, for Licensing Carriages of every description, Horses, Mules, and Asses, to ply for Hire on the stands, hereinafter appointed, or to be used within the limits of the High and Low Harrogate Improvement Act, shall be the first Monday in the month of May, in every Year; and all Licences shall be in force until the next General Annual Licensing Meeting, and no longer, subject to the provisions of the said Act.

### *Carriages &c., to be numbered.*

II. That every such Carriage, Saddle-Horse, Mule or Ass, shall be numbered, and the numbers inserted in the respective licences thereof; and that the number of every Carriage shall be conspicuously placed on the door of the same, or wherever the Commissioners may direct, with figures not less than one inch in height; and the number of every saddle-horse, mule or ass, using any stand, shall be affixed to the front of the bridle, with figures not less than half an inch in height; and the owner of every such carriage, saddle-horse, mule or ass, found plying for hire, without being so numbered, shall forfeit and pay for every such offence, any sum not exceeding Forty Shillings.

*Licence to be granted to the Owner.—Plying without Licence.*

III. That no Licence shall be granted unless the person applying for the same is *bona fide* the Owner, and of good character; nor unless the carriage, saddle-horse, mule or ass to be used under such Licence, shall be approved of by the Commissioners; and every Owner or Driver, plying or standing for hire with any carriage, saddle-horse, mule or ass, without a Licence from the said Commissioners, within the limits of the High and Low Harrogate Improvement Act, shall, for every such offence, forfeit and pay any sum not exceeding Forty Shillings.

*Name and Residence to be registered with the Clerk.*

IV. That every person shall, upon obtaining such Licence, cause his or her residence, and the name and residence of the person employed as the Driver or Attendant, to be registered with the Clerk to the Commissioners, and shall, also, within two days after the employment of any new driver or attendant, cause the name or names of the driver or attendant so employed, to be in like manner registered, under the penalty of Ten Shillings for every neglect so to do.

*Fixing Stands for Carriages.*

V. That the several places within the said limits, where painted posts with the letters of H. C. S. thereon are, or shall from time to time be placed by the said Commissioners, to distinguish them as Carriage Stands, shall be the stands for all Carriages plying for hire within the said limits; and that only one carriage be permitted to remain on each stand; the length of the stand to be ten feet, and the width seven feet, to be measured from the posts marked as aforesaid; and that the several other places within the said limits, where painted boards or rails are, or shall from time to time be placed by the said Commissioners, to distinguish them as stands for horses, mules or asses, shall be stands for such number of horses, mules or asses, as shall be mentioned on such boards or rails.

*Regulating the placing of Carriages at the Stands.*

VI. That the first or Head Stand for Carriages shall be at the board or Stand No. 1; that the first carriage arriving shall be stationed on the said stand, No. 1; and all other carriages shall be placed upon the stands in succession; and whenever any carriage leaves any stand, the carriages shall

close progressively (upon the stands) in the direction of and towards the first or head stand, under the penalty on the driver or person attending the same, of any sum not exceeding Ten Shillings, for every neglect so to do.

*Plying off the Stands.*

VII. That no Owner nor Driver of, nor person attending any such Carriage, Saddle-Horse, Mule or Ass, nor any person on their behalf shall ply for hire therewith in any part of the said limits, except on one of the aforesaid stands; nor shall take his station on any stand already occupied by the number assigned to such stand, under the penalty for every such offence, of any sum not exceeding Forty Shillings; and every carriage, saddle-horse, mule or ass, found standing or driving in any part of the said limits without passengers, (not being already hired,) shall be deemed and taken to be plying for hire, unless the driver or person attending the same shall prove that he was returning to a stand, having set down a fare, or was at the time actually engaged or proceeding to take up a fare; and if the driver or person attending any such carriage, saddle-horse, mule or ass, so found as aforesaid, shall refuse or neglect immediately, if demanded by any person, to give his name and residence, and the name or residence of the person or persons, or the name or number of the house, where he has so set down, or is engaged to take up a fare; or shall give a false name, residence or number, he shall for every such offence, forfeit and pay any sum not exceeding Forty Shillings.

*Misbehaviour of Drivers.—Regulating the feeding of the Horses, &c.*

VIII. That if any driver of, or person attending any such Carriage, Saddle-Horse, Mule or Ass, shall leave the same unattended, or shall refuse to give way, if he conveniently can, to any other carriage, or shall leave his stand to apply to any person for a fare; or shall refuse to go with any fare when thereto required, whether he be on any of the stands or passing; or being on any road or public place within the said limits, (not being then hired;) or shall abuse, insult, or make use of any improper language, or otherwise misbehave himself to any person; or shall abandon his fare after being hired, and before he shall be regularly discharged; or shall wrongfully deprive any other driver of his fare; or if, when engaged by any person, shall not promptly proceed

to the place where the fare is to be taken up, and there remain stationary until the passengers are in, or until he shall be discharged; or shall not proceed to take up a fare at the time and place, according to any agreement which may have been made with him; or shall feed his horse or horses, mules or asses, in any of the said streets, roads, lanes, public passages or places, except out of a bag, suspended from the head of such horse or horses, mules or asses, or with hay or other fodder delivered from the hand, he shall forfeit and pay for every such offence, any sum not exceeding Forty Shillings.

*Property left in Carriages to be restored to Owners.*

IX. That every Driver in whose Carriage any property whatsoever shall be left by any person or persons hiring such carriage, who shall not carry such property, within twenty-four hours after it shall have been so left, in the state in which it was found, to the owner thereof; or if the owner cannot be found, then to the Clerk of the said Commissioners, or to their constable or police officer, shall forfeit and pay any sum not exceeding Five Pounds for every such offence.

*Licences may be revoked.*

X. That if any person, duly licensed, shall, in the judgment of the major part of the Commissioners assembled at any meeting, be deemed to have neglected, or refused, or failed to observe or comply with any of these rules or regulations; or whose carriage, horse, mule or ass, or the respective drivers or attendants thereon, shall, in the judgment of the said Commissioners, be defective or improper in any respect, such licence shall be forfeited: and it shall be lawful for the said Commissioners, to revoke such licence accordingly.

*Bye-Laws to be distributed.*

XI. That Copies of these Bye-laws shall be printed and delivered to each person who shall be licensed, and every Owner or Driver, shall, on demand being made by any person having engaged his carriage, horse, mule or ass, produce and shew the same, on penalty of any sum not exceeding Forty Shillings.

*Drivers convicted Three Times to be disqualified for Twelve Months.*

XII. That any Driver who may be convicted Three times of any offence committed against these Bye-laws, shall be



disqualified from being employed as such driver, for the space of twelve calendar months, from the last of such convictions; and any owner or proprietor of such carriage, who shall employ such driver, after having notice from the Commissioners of such disqualification, shall forfeit and pay Ten Shillings for every day he shall employ such driver, and be further liable to a revocation of his licence, for such carriage.

XIII. That these Bye-Laws shall come into operation from and after the first day of May, 1842.

By order of the Commissioners,

SAMUEL POWELL, Jun., CLERK.

Signed by the following Commissioners :—

J. BENN,  
JOSEPH WAITE,  
R. WHINCUP,  
M. WILSON,  
THOS. GORDON,  
CHRISTOPHER SCAIFE,  
SAMUEL CARRINGTON,

JOHN BINNS,  
CHARLES GREEVES,  
THOS. SALT,  
HENRY PEACOCK,  
GEORGE HARPER,  
LEONARD HOBKINSON,  
GEORGE KNOWLES.

*The foregoing Bye-Laws were duly allowed by the Court, at the General Quarter Sessions of the Peace, for the West-Riding of the County of York, held at Knaresbrough, in and for the said Riding, on Monday, the Third Day of January, 1842, pursuant to the Act of 4th Victoria, cap. 16.*

E. LASCELLES, CHAIRMAN.

# BYE-LAWS, RULES AND ORDERS

## OF THE

# OWNERS OF STRAY-GATES, OR CATTLE-GATES

UPON THE STRAY, OR 200 ACRES, MADE AND AGREED TO  
AT A SPECIAL MEETING OF THE STRAY OWNERS,

Assembled on the 22nd day of November, 1841.

---

I. That if the Owner or Tenant of a Cattle-gate or a fractional part thereof, shall turn on to the Stray, any greater number of Cattle than he is entitled to do, in proportion to the number of Stray-gates possessed by him, compared with the Stray Gates possessed by the other Owners, at present amounting to Fifty in the whole; or if he shall turn on to the said Stray, any Horse, Beast, or Cattle, contrary to the Stint ordered to be observed by the Award of the Commissioners, under the Knaresbrough Forest Inclosure Act, dated the 19th Day of August, 1778, and hereinafter specified, or as shall from time to time be regulated by the Stray Owners, assembled at an annual Meeting, agreeable to the Provisions of clause 210 of the said Improvement Act; or if any such owner or tenant shall turn any horse, beast, or cattle of any description upon the said Stray, between the 1st of April and 12th of May, in every year; or if any person not being owner or tenant of a Cattle-gate or a fractional part thereof, shall turn any horse, cattle, or other animal on to the said Stray, without the previous consent of the Committee of Stray Owners, he or she shall forfeit and pay for every

day or portion of a day, such offence shall be committed, any sum not exceeding the sum of Forty Shillings.

*Regulation of Stint on the Stray, as set out in the Knaresbrough Forest Inclosure Act.*

“That One Cow, Ox, Steer or Heifer, of more than two years old, be depastured as one Gate. That three Beasts of two years old each, be depastured as two Gates. That one calf of one year old, be depastured as half a Gate. That one horse, mare or gelding, three years old and upwards, be depastured as one Gate and a half. That one horse, mare or gelding, two years old, be depastured as one Gate. That a foal of one year old, be depastured as three quarters of a Gate. That a mare with a foal unweaned and under one year old, be depastured as one Gate and a half. That four sheep each above one year old, be depastured as one Gate. That one ewe with her lamb or lambs unweaned, be depastured as one fourth part of a Gate; and that two weaned lambs, under one year old each, be depastured as one fourth part of a Gate.”

II. That if any person shall drive any Stage-Coach, Waggon or Cart, on or across the said Stray or on any of the drives, foot-paths or walks thereon, (except public Highways,) or shall set up or erect any Booth or other temporary erection thereon, without the previous assent of, or agreement with, the Committee of Stray Owners, or the Stray Masters for the time being; or if any person shall make any encroachment or nuisance upon the said Stray, or any of the foot-paths thereon; or if any person shall gather, or collect, or remove any manure or dung from off the said Stray, he or she shall forfeit and pay for every such offence, any sum not exceeding Forty Shillings.

III. That if any Owner or Tenant of a Cattle-gate, or a fractional part thereof, before he or she turns any Horse, Beast or other Animal on to the said Stray, neglect to give to the Herdsman for the time being, a correct description thereof, with the true age thereof, for the purpose of being entered into a Book, to be kept by the Herdsman, for that purpose; or if any such owner shall change such horse, beast or other animal, and shall turn another horse, beast or other animal, on to the said Stray, in lieu thereof, and neglect for the space of two days after every such change, to give notice thereof, with such description and age as aforesaid, to the Herdsman for the time being, he or she shall forfeit and pay for every such offence, any sum, not exceeding the sum of Ten Shillings.

IV. That these Bye-Laws shall commence and take effect on and from the 5th Day of February, 1842.

Signed by the following Stray Owners :—

T. KENNION,  
JOHN DEARLOVE,  
J. BENN,  
C. CHARLESWORTH,

RICHARD WHINCUP,  
JOHN FLETCHER,  
NICHOLAS CARTER,  
JOSEPH WAITE.

*The foregoing Bye-Laws were duly allowed by the Court, at the General Quarter Sessions of the Peace, for the West-Riding of the County of York, held at Knaresbrough, in and for the said Riding, on Monday, the Third Day of January, 1842, pursuant to the Act of 4th Victoria, cap. 16.*

E. LASCELLES, CHAIRMAN.



## EXTRACTS

FROM THE

## FOREST INCLOSURE ACTS,

CHIEFLY RELATING TO THE TOWNSHIPS OF BILTON-

WITH-HARROGATE AND PANNAL.

There were Four Acts of Parliament passed relating to the Inclosure of the Forest ; the first in 10 Geo. III, (1770,) the second in 14 Geo. III, (1774,) the third in 29 Geo. III, (1789,) and the fourth, in 35 Geo. III, (1795.)

The first and the third only, contain matter relative to the Wells and the Stray.

The Award of the Commissioners, is dated 19th of August, 1778, and is deposited in the Court House, in the Castle of Knaresbrough.

## EXTRACTS FROM THE FIRST INCLOSURE ACT.

This Act is intituled, "*An Act for dividing and enclosing such of the open parts of the District, called the Forest of Knaresbrough, in the County of York, as lie within the Eleven Constableries thereof, and for other purposes therein mentioned.*"

The Eleven Constableries (forming part of the Honor of Knaresbrough,) were known by the names of Killinghall, Bilton-with-Harrogate, Beckwith-with-Rossett, otherwise Pannal ; Clifton, Timble, Thruscross, Menwith-with-Darley, Felliscliffe, Birstwith, Hampsthwaite and Clint, and comprised upwards of 20,000 Acres of Commonable and Waste Lands, to the Soil whereof, His then Majesty, in right of His Duchy of Lancaster, was entitled.

By Clause at Page 16, it is enacted "That the said Commissioners, or any Three or more of them, shall and they are hereby required to set out and appoint such Part or Parts of the said open commonable Grounds and waste Lands for common Stone-quarries, or Places for collecting of Stone; common Watering places for Cattle, and proper Highways, and Roads for public and private Use; and also for such Ditches, Mounds, Fences, Drains, Watercourses, Banks and Bridges in, over, or upon the said open commonable Grounds and waste Lands intended to be divided and inclosed by virtue of this Act, as they in their Discretion shall think requisite; so as all such public Roads shall be and remain Sixty Feet in Breadth at least in the Clear between the Fences; and the said private Ways shall be of such Breadth as the said Commissioners, or any Three of them, shall order and direct; and that the said public Roads shall be made and formed in such Manner as the said Commissioners shall order or direct, and the Charges and Expences of making and forming such public Roads raised and defrayed in the Manner herein mentioned, and for that Purpose provided; and that from and after the said public Roads shall be completed, made, and formed, then the same at all Times thereafter shall be repaired and amended by and at the Expense of the several and respective Persons by whom the present public Roads within the same Division or Constabulary are to be repaired and amended; and that the Herbage and Feeding of the said public Roads and Highways shall be taken, depastured, and enjoyed by such Persons and for such Uses and Purposes as the said Commissioners, or any Three or more of them shall direct; and that the said private Ways shall be made, repaired, and amended by such of the Proprietors of Lands within the said Eleven Constabularies as the said Commissioners, or any Three of them, shall order and direct; and after such public and private Ways or Roads shall be made, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either public or private, in, over, or through, or upon the said Commons and waste Grounds intended to be divided and inclosed by virtue of this Act, or any of them, or any Part or Parts thereof, either on Foot, or with any Horses, Cattle, or Carriages; and that all former Roads and Ways that shall not in pursuance of this Act be set out and appointed, as the Roads and Ways through the said intended Inclosures, shall be deemed Part of the Lands to be divided and enclosed, and shall be divided and allotted accordingly

as Part of such Lands ; and that all Hedges, Ditches, Walls, Fences, Banks, Drains, and Bridges to be set out, erected, and appointed as aforesaid, shall be made and provided, and at all Times thereafter be repaired, cleansed, maintained and kept in Repair by such Person or Persons and in such Manner as the said Commissioners, or any Three of them, shall by their General Award, order, direct, and appoint."

By a Clause at Page 19, it is recited, "That there are within the said Constableries of *Bilton-with-Harrogate* and *Beckwith-with-Rossett*, or One of them, certain Wells or Springs of Medicinal Waters commonly called *Harrogate Spaws*, to which during the Summer Season great Numbers of Persons constantly resort, to receive the Benefit of the said Waters to the great Advantage and Emolument of Tradesmen, Farmers, and other Persons in that Neighbourhood; and the Persons resorting to the said Waters, now have the Benefit of taking the Air upon the open Parts of the said Constableries ; to the End therefore, that such Privileges may be continued and enjoyed, be it further enacted, that for the Purposes aforesaid, Two Hundred Acres of Land adjoining or near to the said Springs of Water, and to be ascertained and set out by the said Commissioners, or any Three or more of them, shall be left open for the Purposes hereinafter mentioned and declared, concerning the same."

By a Clause at Page 22, it is enacted, "That the said Two Hundred Acres of Land herein before directed to be set out and ascertained near unto the said Springs of Water shall be and they are hereby directed to be converted into a stinted Pasture, upon which such Number of Cattle of and belonging to each of the said Freeholders and Copyholders having Messuages or Lands within the said Constableries of *Bilton-with-Harrogate* and *Beckwith-with-Rossett*, or either of them, as shall be deemed to be in Proportion to their respective Messuages, Lands, and Tenements, or other Interest within the said Two Constableries, or either of them, shall be from time to time grazed and kept such Number of Cattle of each such Freeholder and Copyholder, to be settled and ascertained by the said Commissioners, or any Three of them, in or by their said General Award; and such stinted Right of Common of such Freeholders and Copyholders shall go and be deemed and taken in Part of their respective Shares or Allotments of the said open commonable Grounds and waste Lands, and due Regard thereto shall be had by the said Commissioners in settling the Quantity and Value

of the other Parts of the said open commonable Grounds and waste Lands to be allotted to such Freeholders and Copyholders; and the said Two Hundred Acres of Land shall for ever hereafter remain open and uninclosed, and all Persons whomsoever shall and may have free Access at all Times to the said Springs, and be at Liberty to use and drink the Waters there arising, and take the Benefit thereof, and shall and may have, use, and enjoy full and free Ingress, Egress, and Regress, in, upon, and over the said Two Hundred Acres of Land, and every or any Part thereof, without being subject to the Payment of any Acknowledgement whatsoever for the same, or liable to any Action of Trespass, or other Suit, Molestation, or Disturbance whatsoever in respect thereof."

By a Clause at Page 23, (amongst other things,) it is enacted that after the Commissioners or any Three of them, shall have made a Division of the open commonable Grounds, they were to draw up and execute a General Award, which should specify and contain the quantity, situation, and boundary of every Allotment, both Freehold and Copyhold and of every Inroadment, and shall also by their said Award, make and lay down all such Orders, Rules, Ordinances and Directions, as to them shall seem meet and convenient for the Fencing, Ditching, &c., of the said Allotments, and for making, laying out, turning, and repairing all public and private Roads and Highways, Drains, Passages, Sewers, and Watercourses, in, over, and through the said open commonable Grounds and waste Lands, and the Allotments to be made thereof, and by whom and in what Manner, and for what particular usage or purposes the Herbage and Feeding of the said public Roads and Highways shall be taken, depastured, and enjoyed, with all such other Rules, Orders, and Regulations touching the said Division and Inclosure, as to the Commissioners shall seem meet.

This General Award with an exact Survey, Plan, or Map specifying the Allotments, Roads, &c., were directed to be inrolled in the Office of the Clerk of the Council, of His Majesty's Duchy of Lancaster, in the Register Office at Wakefield, and afterwards deposited and filed by the Steward of the Honor of Knaresbrough for the Time being, or his Deputy, amongst the Court Books and other Records of the said Honor, where the same may be and shall be inspected and perused at all reasonable Times, for ever, by any Person or Persons, paying the Sum of Two Shillings, and no more,



to the said Steward or his Deputy for every such Inspection and Perusal.

By a Clause at Page 33, it is provided and enacted, “That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of his said Majesty, his Heirs or Successors, of, in, or to the Scigniories and Royalties incident and belonging to the Honor of *Knaresbrough*, but that the said King’s Majesty, his Heirs and Successors, by himself or themselves and by his and their Officers, Tenants, Patentees, Lessees, and Grantees for the Time being, shall and may at all Times for ever hereafter hold and enjoy all Mines, Minerals, and Quarries (except Stone-quarries,) with Power to win, work, and lead away the same, and the Produce thereof, by all Means whatsoever, either now used or hereafter to be invented or used; and all Rents, Services, Courts, Perquisites, and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Franchises, Jurisdictions, and Pre-eminences whatsoever to the said Honor, or to the Lord thereof for the Time being, incident, belonging, or appertaining (other than and except with respect to such Emoluments, Customs, Rights, and Franchises, as are particularly and expressly destroyed, changed, altered, taken away, or extinguished by this Act, and also except such Right of Soil and Common Right as could or might be claimed by his Majesty, as Lord of the said Honor or otherwise, in and upon the said open Grounds and waste Lands to be inclosed as aforesaid) in as full, ample, and beneficial a Manner to all Intents and Purposes, as his said Majesty, his Heirs and Successors, could or might have held and enjoyed the same, in case this Act had not been made.”

By the two following Clauses, Provisions are set out for making Satisfaction for Damages done in making Mines or Quarries; in the first Instance, the Damage is to be ascertained by Two or more Justices of the Peace, for the West-Riding of Yorkshire; and in the second, in case of Dissatisfaction with the Decision of the Justices, the Damages are to be settled by a Jury of Twelve indifferent Men of the County of York.

By a Clause at Page 34, it is enacted. “That all Quarries of Lime-stone, Free-stone, and other Stone whatsoever already opened, or which shall at any Time hereafter be

opened within or upon any Freehold, Copyhold, or Customary Lands within the said Eleven Constableries, or any of them, as well those of ancient Inclosure, as those intended to be inclosed by the Authority of this Act, shall from henceforth for ever hereafter be, and the same are hereby vested in and declared to be, the sole and absolute Property of the Owners of the Freehold and Copyhold or Customary Lands within which the said Quarries are respectively situate; and that it shall and may be lawful to and for the Owners of the said Lands respectively, their Heirs and Assigns, at all Times for ever hereafter to win and work the said Stone-quarries within their respective Lands, and to dig, take, get, and carry away the Stone there found to and for their own proper and respective Use and Disposal; any Custom or Usage to the contrary notwithstanding; and that it shall also be lawful for all and every Person and Persons whomsoever holding or occupying, or who shall hold or occupy any Messuage, Lands, or Tenements within the said Eleven Constableries, or any of them, for ever hereafter to dig, gain, get, carry, and lead away so much Stone within and from the said common Stone-quarries, to be set out for public Use in the manner herein before directed and provided, as shall be needful and necessary for their own respective Uses, as well within the said Eleven Constableries, or any of them, as within and upon the Messuages, Lands, or Tenements in respect of which the Owners thereof will become intitled to an Allotment or Allotments of Land within the said Constableries, or any of them, under the Provisions of this Act.

By the next Clause, all Timber and Trees, to which the King (under certain restrictions) was previously intitled, as appears by the ninth of the Ancient customs of the Forest of Knaresbrough, are declared to be the Property of the Owner of the Land; and by the following Clause, the custom of seizing Heriots on the death of every Copyhold or Customary Tenant dying seized of a Messuage, or Six Acres of Copyhold Land, (according to the first of the said customs) was abolished, and certain small sums of Money were directed to be paid in lieu thereof.

*Money Payments to be made on the Abolition of Heriots.*

“Upon the death of every Tenant dying seized of any Customary or Copyhold Lands mentioned in the Court Rolls, to be Six Customary Acres or under, and having no Messuage or Building, the sum of One Shilling for every Customary

Acre, whereof he shall so die seized ; and upon the death of every Tenant dying seized of a Customary or Copyhold Messuage or Ancient Building only, or of a Customary or Copyhold Messuage or Ancient Building jointly with any Customary or Copyhold Land mentioned in the Court Rolls, as being Six Customary Acres or under the sum of Twenty Shillings in lieu of an Heriot ; and upon the death of every Tenant dying seized of Two or more Customary Messuages or Ancient Buildings or of any Customary or Copyhold Lands mentioned in the Court Rolls, as being upwards of Six Customary Acres, and under Twenty Customary Acres, the sum of Forty Shillings in lieu of an Heriot ; and upon the death of every Tenant dying seized of any Customary or Copyhold Land mentioned in the Court Rolls as being twenty Customary Acres or upwards, the sum of Three Pounds in lieu of an Heriot."

*What to be deemed a Customary Acre.*

By a Clause at Page 26, it is enacted " That in making the several admissions and granting the estates by the said Act directed to be held as Customary or Copyhold, Four Statute Acres shall be deemed and taken to be a Customary Acre."

*Lands to be set out in Lieu of Tithes.*

By a Clause at page 19, the Commissioners are authorized and required to set out and allot to the Rectors and Vicars or other person or persons entitled to any Tithes of any Tenements or ancient Inclosed Lands within the said Eleven Constableries, or any of them, or to any Tithes which may arise from the open commonable Grounds and Waste Lands when inclosed, such portion or portions of the said open commonable and Waste Lands, (which shall not have been allotted or set out as aforesaid,) as the said Commissioners shall adjudge to be a full recompense and satisfaction for all the Tithes arising as aforesaid, and in consideration of such allotment or allotments, not only all the said open commonable Grounds and Waste Lands and all Ineroachments whatsoever, but, also all and every the ancient Inclosed Lands lying within the said Eleven Constableries, shall, from the 25th Day of March (then) next, be from thenceforth, for ever, absolutely freed, exonerated, and discharged of and from all and all manner of Tithes, of what nature or kind soever, both great and small.

" Provided always that nothing herein contained shall pre-



judice or take away the right of any Rector or Vicar or other person whatsoever, to any moduses or other payments in lieu of Tithes, Surplice Fees, Easter Offerings or Mortuaries, to them respectively due and payable within their respective Parishes or Districts."

*For protecting Spaws at Harrogate.*

By a Clause at Page 22, it is stated "And to the intent the said Springs of Medicinal Waters may be preserved for the Benefit of all Persons having occasion to make use of them, and to prevent any Damage being done thereto; be it further enacted, That it shall not be lawful for any person or persons whatsoever, at any time after passing of this Act, to dig or sink any Pit or Pits, or work any Quarry or Mine whatsoever, or do any other act whereby the said Medicinal Springs or Waters may be damaged, polluted or affected; and that all and every Person or Persons so offending may be prosecuted, convicted, and punished as for a public nuisance."\*

EXTRACTS FROM THE SECOND INCLOSURE ACT.

*Allotments to Knaresbrough and Scriven.*

By a Clause at Page 15 of this Act, it is enacted, "That all and every the Allotments of the Waste Lands within the said district called the Forest, which shall be set out and assigned for and in respect of Commonright appertaining to Burgage Houses, Messuages, Ancient Waste Buildings, Lands or Tenements, situate within the Townships, Constableries, or Hamlets of Knaresbrough and Scriven-cum-Tentergate, or either of them, shall be set out and allotted from the Waste Lands of the said District called the Forest, lying next to the said two several Townships, Constableries and Hamlets respectively, or as near thereto as conveniently may be; and that all and every Allotment and Allotments of the said Waste Lands which shall be set out and assigned for and in respect of Burgage Houses, Messuages, Ancient Waste Buildings, Lands or Tenements, situate and being within the Townships, Constableries, or Hamlets of Knaresbrough and Scriven-cum-Tentergate or either of them, shall for ever thereafter be considered, deemed and taken to all intents, constructions and purposes whatever, as parcel of, and shall be rated and assessed to all Taxes, Levies, and

\* This Clause should have followed the first Clause at Page 122.



Assessments, as well Parliamentary and ordinary as Parochial and extraordinary, within such of the said Two Townships, Constableries or Hamlets respectively, as the Burgage Houses, Messuages, Ancient Waste Buildings, Lands and Tenements, in respect of which such Allotments shall be so made, do respectively belong to, and are rated and assessed; and the said Allotments after the same shall be so set out, shall not be rated or assessed, nor be deemed to lie within any other Township, Constabulary, or Hamlet whatsoever. And that all Public Roads and Highways, leading unto, through or adjoining such last mentioned Allotments, shall be made and from time to time repaired by such of the said Two Townships, Constableries, or Hamlets respectively as the said Commissioners shall by their General Award direct and appoint; any Usage, or any thing in the said former or this present Act, to the contrary notwithstanding.”\*

### EXTRACTS FROM THE FOREST AWARD.

---

The Award of the Commissioners, dated 19th of August, 1778, in pursuance of the beforementioned Inclosure Acts, contains, (amongst others,) the following Clauses:—

#### *Stone Quarries.*

“We have set out and appointed, and do hereby award the following parts of the said open commonable Grounds and Waste Lands for, and to be for ever continued as Common Stone Quarries, or places for collecting of Stone, that is to say,

*Almsford Bank.*—One other piece, marked with the Number 563, on the said Plan, containing One Acre, Two Roods, and Twenty-four Perches, ‘near Almsford Bank, bounded Eastward, Westward and Northward, by the Quarry Road, hereinafter described, and Southward by the Allotment marked with the Number 564, on the said Plan.

*Harlow Hill.*—One other piece, marked with the Number 495, containing Five Acres, Three Roods, and Fourteen Perches, on Harlow Hill, bounded Eastward by the King’s Plantation, marked with the Number 494, Westward and Northward by the Allotment marked with the Number 497, and Southward by the Allotment marked with the Number 493, and Otley and Knaresbrough Turnpike Road hereinafter described.

\* This Clause will explain why several Properties, though locally situate in Bilton-with-Harrogate, are rated to Knaresbrough or Scriven-with-Tentergate.

*Near Sulphur Wells.*—One other piece marked with the Number 488, on the said Plan, containing Three Roods and Twelve Perches, near the Sulphur Wells, bounded Eastward by drawing to a point, Westward, by the Allotment, marked with the Number 489, on the said Plan, Northward, by a Private Road to the King's Allotment, adjoining to the said Allotment, marked with the Number 489 on the said Plan, and Southward by Iron Gate Bridge Road, hereinafter described.

*Near Oak Beck.*—One other piece, marked with the Number 437, on the said Plan, containing Three Acres, Three Roods, and Thirty-three Perches, at the Mile Stone, bounded Eastward by Ripon Turnpike Road, hereinafter described; Westward, Northward and Southward by the Tithe Allotment marked with the Number 435, on the said Plan.

*On Knox.*—One other piece, marked with the Number 363, on the said Plan, containing one Acre, at a place called Knox, bounded Eastward by John Lewis's Allotment, Westward, by the Sale Lot, marked with the Number 364, on the said Plan; Northward, by John Dobson's Allotment, and Southward, by World's End Road, hereinafter described.

*One other piece,* marked with the Number 365, on the said Plan, containing Three Acres, One Rood, and Eight Perches, at a place called Knox, bounded Eastward by the Allotment marked with the Number 362, Westward, by Ripon Turnpike Road, hereinafter described, Northward by the Sale Lot, marked with the Number 366. and Southward, by the Sale Allotment, marked with the Number 364, on the said Plan."

#### *Watering Places.*

"We have set out and appointed and do hereby award the following parts of the said open and commonable Grounds and Waste Lands for, and to be for ever continued as Common Watering Places, for Cattle, that is to say,

*At Cold Bath.*—One Piece marked with the Number 474A. containing Twelve Perches at the Cold Bath, near Low Harrogate, bounded Eastward by the King's Allotment, Northward and Westward by Cold Bath Road, and Southward by Isaac Forrest's Inclosure.

*At World's End.*—One other Piece marked with the Number 295, containing Eight Perches, near the House called the World's End, [now Grove House,] bounded Eastward by

Joseph Critchley's Allotment, Westward by World's End Road, Northward and Southward by Joseph Critchley's Allotment."

### *Turnpike Roads.*

"And there being at this time sundry Turnpike Roads upon the said District, directed to be repaired in pursuance of several Acts of Parliament, we hereby award the same to be for ever Public Carriage Roads, and to be kept in repair by such ways and means as are prescribed by the said Acts respectively, or by the General Acts made for the preservation of Turnpike Roads during the continuance of such Acts respectively; and after the expiration thereof by the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, within the Townships or Constableries through which the said Roads respectively lead, except with regard to the Turnpike Road leading from Knaresbrough towards Wetherby over Thistle Hill, which, in pursuance of a power given us by the said Second Act, we award to be kept in repair by the Township of Knaresbrough; and also except with regard to such part of the Turnpike Road leading from Knaresbrough to Harrogate as extends from the High Bridge over the River Nidd, near Knaresbrough, to the North-west corner of Sir Saville Slingby's Allotment, (on the West side of Star Beck,) marked with the Number 211 on the second Plan hereunto annexed, which we award to be kept in repair by the Township of Scriven-with-Tentergate, all which said several Turnpike Roads are described as follow: and for the sake of Abutting and Bounding several Allotments, we award them to be called by the respective names as under:—

*Knaresbrough and Harrogate Turnpike Road*, beginning at the High Bridge over the River Nidd, near Knaresbrough, and leading Westward to Leeds Turnpike Road at Harrogate Corner.

*Leeds Turnpike Road*, beginning at the great Stone Pillar erected at Harrogate Corner, and leading to Almsford Bridge over the River Crimple.

*Otley and Knaresbrough Turnpike Road*, beginning near the said great Stone Pillar, and leading to a Bridge over the River Crimple, where it divides the Forest from the Township of Stainburn.

*Otley and Ripley Turnpike Road*, beginning at Beckwithshaw and leading to Killinghall, where it joins the Ripon Turnpike Road.



*Ripon Turnpike Road*, beginning at the said great Stone Pillar and leading Northward to Killinghall Bridge, over the River Nidd."

### *Highways.*

" And we have set out and appointed the following Highways and Roads for public use, and have caused such of them to be made and formed as we deemed from the nature of the Soil or from the great use and wear thereof to require such making, and we hereby award the same to be for ever Public Carriage Roads, and to be kept in repair by the Inhabitants and Occupiers of Lands, Tenements and Hereditaments within the respective Constableries through which they lead; (except with regard to the Road called Belmont Road beginning at Knaresbrough and Wetherby Turnpike Road and leading Westward to Rudding Road; and also except with regard to that part of the Road called Hookstone Road, beginning at Rudding Road, and leading Westward to a Road called Wetherby Road which two Roads we award to be kept in repair by the Inhabitants and Occupiers of Lands and Tenements within the Township of Knaresbrough; and also except with regard to the Road called Rudding Road, beginning at Knaresbrough and Harrogate Turnpike Road and leading Southward to Wetherby Road, which said Road we award to be kept in repair by the Inhabitants and Occupiers of Lands and Tenements within the Township of Scriven-with-Tentergate;) and we award that they shall be called by the respective names as under:—

*Belmont Road*, beginning at Knaresbrough and Wetherby Turnpike Road, and leading Westward over Belmont to Rudding Road.

*Rudding Road*, beginning at the Milestone near Forest Lane Head, and leading Southward to Collin Bridge.

*Wetherby Road*, beginning at a Bridge over the Brook which divides the Forest from Rud Farlington, and leading North-Westward to Knaresbrough and Harrogate Turnpike Road.

*Hookstone Road*, beginning at Rudding Park and leading Westward to Leeds Turnpike Road.

*Cold Bath Road*, beginning at Low Harrogate and leading Southward by the Cold Bath, to the Knaresbrough and Otley Turnpike Road.



*Pannal Ash Road*, beginning at Otley and Knaresbrough Turnpike Road, near Cold Bath, and leading Southward to the Pinfold, near Pannal Ash.

*World's End Road*, beginning at Knaresbrough and Harrogate Turnpike Road, and leading Northward through High Harrogate, by the World's End, to the Ripon Turnpike Road on Knox.

*Skipton Road*, beginning at Ripon Turnpike Road on Knox, and leading Westward, to Hopper Lane end, near Fewston.

*Iron-Gate-Bridge Road*, beginning at the Ripon Turnpike Road, about Five Hundred Yards North from the great Stone Pillar, and leading Westward through Low Harrogate, by the Sulphur Wells, to a new Bridge over Ock Beck."

#### *Carriage Roads.*

"And we have also set out and appointed the following Roads, and we hereby award the same to be for ever Carriage Roads, and to be made and kept in repair by the Inhabitants and Occupiers of Lands and Tenements within the respective Constableries through which they lead, (except with regard to the Road, called Harrison Hill Road, beginning at Knaresbrough and Harrogate Turnpike Road, near Forest Lane Head, and leading Westward to Bilton Park Gate; and also except with regard to the Road called Bilton Park Lane Road, beginning at Bilton Park Gate, and leading Southward to Knaresbrough and Harrogate Turnpike Road, which two Roads, (in pursuance of a power given us by the said Second Act,) we award to be made and kept in repair by the Inhabitants and Occupiers of Lands and Tenements, within the Township of Knaresbrough;) and we award that they shall be called by the respective names as under:—

*Harrison Hill Road*, beginning at Knaresbrough and Harrogate Turnpike Road, near Forest Lane Head, and leading Westward to Bilton Park Gate.

*Bilton Park Lane Road*, beginning at Bilton Park Gate and leading Southward to Knaresbrough and Harrogate Turnpike Road.

*A Road*, beginning at Wetherby Road and leading Southward into Follifoot Liberty, between an Incroachment marked with the Number 240 A, on the Second Plan hereunto

annexed; and an Allotment marked with the Number 240 on the said Plan, awarded to the King.

*Intack Road*, beginning at Knaresbrough and Harrogate Turnpike Road, opposite the Queen's Head Inn, and leading Southward by Gilbertson's Intack to Hookstone Road.

*West part of Walker's Lane Road*, beginning at Iron Gate Bridge Road, near the Sulphur Wells, and leading Eastward by the Half Moon,\* and across the Ripon Turnpike Road to the West end of Walker's Lane.

*East part of Walker's Lane Road*, beginning at World's End Road, at the South-east corner of Sale Lot, marked with the Number 379 on the said Plan, and leading Westward to the East end of Walker's Lane.

*Sprucety Bridge Road*, beginning at the Red Cat,† and leading North-westward to Sprucety Bridge, and from thence Westward to Ripon Turnpike Road.

*Bilton Lane Road*, beginning at World's End Road, at White Hall, and leading Eastward by the Pinfold to Bilton.

*Fulwith Mill Road*, beginning at Leeds Turnpike Road, and leading East and Southward to Fulwith Mill.

*Quarry Road*, beginning at Leeds Turnpike Road, and leading Westward to a public Quarry, marked with the Number 563 on the said Plan.

*Lead Hall Road*, beginning at Leeds Turnpike Road, near the West end of Hookstone's Road, leading Westward to the West end of the ancient Lead Hall Lane.

*Church Lane Road*, beginning at Pannal Ash Road, and leading Southward to Lead Hall Road.

*Burnt Bridge Road*, beginning at Pannal Ash Road, and leading Southward to an ancient Lane, leading to Burnt Bridge.

*Whinney Lane*, beginning at Pannal Ash and leading Southward to Lund's Green.

*How Hill road*, beginning at Otley and Knaresbrough Turnpike Road, and leading Southeastward by How Hill

\* Subsequently the Crescent Inn, now called Northumberland House.

† Near Bachelors' Gardens.

Quarry, and from thence Eastward, by Beckwith Head, to Lund's Green.

*How Hill Quarry road*, beginning at How Hill road, and leading on the West side of How Hill Quarry, to an ancient Lane, near Hole House.

*Beckwith Head road*, beginning at Wright's Allotment, marked with the Number 632 on the said Plan, at Beckwith Head, and leading Northward, across How Hill Road, into Otley and Knaresbrough Turnpike Road, near Harlow Hill Quarry.

*Birch Crag road*, beginning at Otley and Knaresbrough Turnpike Road, and leading Northward, to William Roundell's Allotment, near Birch Crag.

*Shaw Green road*, beginning at the South side of Shaw Green, and leading Northward, to Otley and Knaresbrough Turnpike Road."

#### *Foot Roads.*

"And we have set out and appointed, and do hereby award the following Public Foot Roads to be for ever continued; and we award that sufficient Stiles shall be made in all the Fences that cross the said Roads, by the Owners of the said Fences respectively, that is to say,

1. *A Road*, leading Northward from Knaresbrough and Harrogate Turnpike Road along the West side of Thomas Headley's Allotment, marked with the Number 396 on the said Plan, to an ancient Stile leading into the said Thomas Headley's Inclosure.

2. *A Road*, beginning at Ripon Turnpike Road, one hundred and forty-three yards South from Walker's Lane Road, and leading Eastward through Sir John Ingilby's Allotment, marked with the Number 400 on the said Plan, to an ancient Stile leading into the said Sir John Ingilby's Inclosure.

3. *A Road*, beginning at Ripon Turnpike Road, Three hundred and forty-three Yards South from Walker's Lane Road, and leading Eastward through the said Sir John Ingilby's Allotment, marked with the Number 400, on the said Plan, to an ancient Stile, leading into the said Sir John Ingilby's Inclosure.

4. *A Road*, beginning at Ripon Turnpike Road, five hundred and twenty three Yards South from Walker's Lane Road,

and leading Eastward through Sir John Ingilby's Allotment, marked with the Number 400, on the said Plan, to an ancient Stile leading into the said Sir John Ingilby's Inclosure.

5. *A Road*, leading from World's End Road, Eastward through the Allotment of Wilkes and Bainbridge, marked with the Number 297, on the said Plan, to an ancient Stile leading into the said Wilkes and Bainbridge's Inclosure.

6. *A Road*, leading from World's End Road, Westward through the Allotment of Wilkes and Bainbridge, marked with the Number 380, on the said Plan, to an ancient Stile leading into the said Wilkes and Bainbridge's Inclosure.

7. *A Road*, leading from World's End Road, Southward across the East end of the sale Lot marked with the Number 371, on the said Plan, to an ancient Stile leading into William Parker's Inclosure.

8. *A Road*, leading from the Sulphur Wells, through an Incroachment marked with the number 481, on the said Plan, belonging to Pannal Church, to the Black Bogs.

9 *A Road*, leading from Leeds Turnpike Road, Westward through the Allotment of Wilkes and Bainbridge, marked with the Number 545, to a Well in the said Allotment, and from thence still Westward, to the North-East corner of an Incroachment belonging to Richard Hindle, marked with the Number 551, on the said Plan."

*Award of Two Hundred Acres.*

"We the said Commissioners in Pursuance of the Direction of the said first Act, have ascertained and set out Two Hundred Acres of Land, adjoining or near to the Wells or Springs of Medicinal Waters, commonly called Harrogate Spaws, to which Spaws, during the Summer Season, great Numbers of Persons constantly resort to receive the Benefit of the said Waters, to the great Advantage and Emolument of Tradesmen, Farmers and other Persons in that Neighbourhood; and the Persons resorting to the said Waters, have always had the benefit of taking the Air upon the open parts of the said Forest. We therefore award that the said two Hundred Acres of Land shall be converted into a Stinted Pasture, upon which the following Copyholders, having Messuages or Lands within the Constabulary of Bilton-with-Harrogate, their Heirs or Assigns shall have and for ever enjoy the Pasture-Gates or part of a



Gate as follows, (that is to say):—We award unto James and Charles Brown, Six Gates; unto John Burnett Half a Gate; unto Dorothy Wilks and Ann Bainbridge, Two Gates; unto the Heirs of John Coates, Four Gates; unto Joseph Critchley, One Gate; unto John Dearlove, One Gate and a Half; unto John Hiekson and Mary his Wife, One Gate; unto John Dobson, Two Gates and a Half; unto John Dove, Half a Gate; unto Thomas Grimstone, One Gate and a Half; unto William Gaunt, Half a Gate; unto Thomas Headley, Half a Gate; unto Sarah Harper, Two Gates; unto Anthony Holiday, Half a Gate; unto the Devises of the late Sir John Ingilby, Baronet, deceased, Twelve Gates, unto John Lewis, One Gate; unto William Lupton, Half a Gate; unto John Pennington, One Gate and a Half; unto William and George Parker, Half a Gate; unto Thomas Russell, Three Gates: unto John Sargent, One Gate; unto Joseph Thackwray, Half a Gate; unto Francis Taylor, Two Gates; unto William Williamson, One Gate and a Half; unto John Watson, Esquire, One Gate and a Half; and unto Thomas Wilkes, One Gate.”

*Stint of the Two Hundred Acres.*

“And we order and award, that One Cow, Ox, Steer, or Heifer of more than Two Years Old, be depastured as One Gate; That Three Beasts of Two Years Old each, be depastured as Two Gates; that One Calf of One Year Old, shall be depastured as Half a Gate; that One Horse, Mare or Gelding, Three Years Old and upwards, be depastured as One Gate and a Half; that One Horse, Mare or Gelding, Two Years Old, be depastured as One Gate; that a Foal of One Year Old, be depastured as Three-quarters of a Gate; that a Mare with a Foal unweaned, and under One Year Old, be depastured as One Gate and a Half; that Four Sheep, each above One Year Old, be depastured as One Gate; that One Ewe with her Lamb or Lambs unweaned, be depastured as One-fourth part of a Gate, and that Two weaned Lambs, under One Year Old each, be depastured as One-fourth part of a Gate. But we award that no Sheep or Lambs, be depastured upon the said Two Hundred Acres, during the Term of Seven Years, from the Execution of this our Award; nor any Asses, Mules, Goats, Swine, or Geese, at any Time. And such stinted Right of Common or number of Gates, shall be deemed or taken by the respective Copyholders in part of their respective Shares or Allotments of the said commonable Grounds or Waste Lands, due regard thereto having

been had by us, the said Commissioners, in settling the Quantity and Value of the other parts of the said open commonable Grounds and Waste Lands allotted to such Copyholders. And we award that the said Two Hundred Acres of Land, shall, for ever hereafter, remain open and uninclosed; and all Persons whomsoever shall and may have free access at all times to the said Springs and be at liberty to use and drink the Waters there arising, and take the benefit thereof, and shall and may have, use, and enjoy, full and free Ingress, Egress, and Regress, in, upon, and over the said Two Hundred Acres of Land, and every or any part thereof, without being subject to the payment of any acknowledgement whatsoever for the same, or liable to any action of Trespass or other suit, molestation, or disturbance whatsoever in respect thereof."

*Limits of the Two Hundred Acres.*

"And we award the following to be the Limits and Boundaries of the said Two Hundred Acres, beginning at a Watering-place, marked with the Number 795 on the said second Plan, near the House called the World's End, and from thence proceeding along the West and South sides of Joseph Critchley's Allotment, Number 294, to Thomas Russell's Inclosure; and from thence along the West and South sides of the said Thomas Russell, William Lupton, John Dearlove, John Hickson, and Thomas Wilkes's Inclosures to John Watson's Allotment, Number 273; and from thence along the West side of the said Allotment, and across Knaresbrough and Harrogate Turnpike Road, and along the side of the King's Allotment and Chapel Land, and the Inclosure of Elizabeth Clemetshaw to the New Cold Bath,\* and from thence along the North-west and South Fences of the said Bath, and along the side of the King's Chapel Land across Wetherby Road to the North-east Corner of Daniel Lascelles's Allotment, Number 270; and from thence Westward, along the North side of the said Allotment, across Intack Road and along the North sides of John Coates's Allotment and Thomas Russell's Sale Lots, Numbers 267 and 266, across Leeds Turnpike Road, to Wilkes's and Bainbridge's Tithe Allotment: and from thence Northward along the East sides of the said Wilkes's and Bainbridge's Allotments, to Harrogate Corner; and from thence Westward along the North side of the said Wilkes's and Bainbridge's Allotments, so far

\* Near the Chalybeate Well.

as the South-east corner of the King's Allotment, Number 471, and from thence Northward across Otley and Knaresbrough Turnpike Road, and along the East and North sides of the said Allotment and an Ineroachment, Number 467, awarded to the King, across Cold-Bath Road and along the East and North sides of Thomas Wray's Ineroachment, and along the East and North sides of Joseph Hogg's Inclosure, and along the East, West, and North sides of Joseph Thackwray's Allotment, Number 459, and along the North end of Pannal Church Land to Joseph Hogg's Ineroachment, Number 486, and from thence along the East and North sides of the said Ineroachment, and along the North, West, and South sides of Joseph Thackwray's Ineroachment, (at Black Bogs, Number 480,) along the West side of Pannal Church Land to Daniel Laseelles's Allotment, Number 493, and from thence Northward along the East side of the said Allotment, across Irongate Bridge Road to Joseph Hogg's Allotment; from thence Eastward along the South side of the said Allotment and of the Quarry, Number 488, and along the South and East sides of the King's Allotment, along the South side of John Pawson's Ineroachment and Sale Lot, and the Sale Lot, Number 441, to Ripon Turnpike Road, from thence returning along the West, North, and South sides of Stephen Pawson, Thomas Wilkes, and Thomas Walker's Ineroachments, to the West end of Walker's Lane Road, and from thence Southward, along the West sides of Sir John Ingilby and Samuel Hatterley's Allotments to Harrogate Corner, and from thence Eastward along the South sides of Samuel Hatterley, Thomas Headley, John Crossland, and Henry Shutt's Allotments, and from thence Eastward and Northward along the sides of the Inclosures of John Coates, Frederiek Stainer, Thomas Russell, Sarah Harper, William Smirfitt, and Joseph Critchley to the said first mentioned Watering-place at the World's End."

*Land awarded to the Poor of Bilton-with-Harrogate.*

"We award unto Thomas Russell and John Dearlove, both of Harrogate, in Trust for the Poor of Bilton-with-Harrogate, the Ineroachment marked with the Number 382, on the second Plan, hereunto annexed, containing Twenty-six Perches, situate in Bilton-with-Harrogate, near the World's End, and bounded Eastward by World's End Road, and Peter Dalby's Inclosure; Westward by Wilkes's and Bainbridge's Inclosure, Northward by Wilkes's and Bainbridge's Allotment, and a Road, and Southward by a Road.



Also the Incroachment, marked with the Number 387, on the said Plan, containing one Rood and Eleven Perches, situate in Bilton-with-Harrogate, near the Chapel, and bounded Eastward by the Two Hundred Acres, Westward by Thomas Russell's and Frederic Stainer's Inclosures, Northward by Thomas Russell's Inclosure, and Southward by Frederic Stainer's Inclosure."

*Land awarded to the Poor of Pannal.*

"And we also award unto William Bentley, of Pannal Hall, and Thomas Stubbs, of Pannal, in trust for the Poor of Pannal, the Incroachment, marked with the Number 658, on the said Plan, containing One Acre, One Rood and Twenty-four Perches, situate in Pannal, at Beckwithshaw, and bounded Eastward by the sale Lot, Number 644, and Robert Dyncley's Allotment, Westward by Robert Dyncley's Inclosure, Northward by Benjamin Winterburn's Inclosure, and Southward, by Ann Firth's Inclosure.

Also the Incroachment, marked with the Number 614, on the said Plan, containing One Acre. Two Roods, and Twenty-one Perches, situate in Pannal, near Harlow Hill, and bounded Eastward and Northward, by Thomas Walker's Inclosure, Westward by Thomas Walker's and William Dowsland's Allotments, and Southward by William Dowsland's Allotment.

Also the Incroachment, marked with the Number 612, on the said Plan, containing One Acre and Twenty-seven Perches, situate in the same place, and bounded Eastward by Isaac Knowles's Inclosure, Westward and Southward, by Thomas Walker's Inclosure, and Northward by Thomas Walker's Allotment.

Also the Incroachment, marked with the Number 591, on the said Plan, containing Nine Perches, situate in Pannal, at Lund's Green, and bounded Eastward and Northward by a Road, Westward and Southward, by John Simpson's Inclosure.

And also the Incroachment called the Poor House, marked with the Number 594A, on the said Plan, containing Thirty Perches, situate in Pannal, at Lund's Green, and bounded Eastward and Westward, by Nicholas Torre's Allotment, Northward, by Nicholas Torre's Inclosure, and Southward by a Road."

*Money Payments for Charitable Uses.*

"We also order and award, that the Owner of the Incroachments, marked with the Numbers 489 and 492, on the



said second Plan, and allotted to Joseph Hogg, situate in Pannal, near Low Harrogate, shall pay the sum of Three Pounds, Yearly, on every first Day of May, for ever; unto the said William Bentley and Thomas Stubbs, their Heirs and Assigns, in Trust for the use of the Poor of Pannal, aforesaid; and, in case the Owner of the said Incroachments, shall, at any time hereafter, refuse or neglect to pay the said sum of Three Pounds, as aforesaid; then and in that case, we award unto the said William Bentley and Thomas Stubbs, their Heirs or Assigns for ever, in Trust as aforesaid, Two Acres, Two Roods and Twenty Perches, being the whole of the most Westerly Close of the said Incroachments, and marked with the Number 492A, on the said Plan.

We also order and award, that the Owners of the following Incroachments, respectively, shall pay unto the said William Bentley and Thomas Stubbs, their Heirs or Assigns, in Trust as aforesaid, Yearly, on every first Day of May, for ever, the following respective Annual Payments, that is to say:—

The Incroachment, marked with the Number 445, on the said Plan, allotted to Joseph Thackwray, situate in Bilton-with-Harrogate, near Low Harrogate, shall pay One Pound Two Shillings and Sixpence.

The Incroachment, marked with the Number 660, on the said Plan, and awarded to Benjamin Winterburn, situate in Pannal, at Beckwithshaw, shall pay Seven Shillings and Sixpence.

And the Incroachment, marked with the Number 670, on the said Plan, and awarded to Elizabeth Swann, situate in Pannal, at Beckwithshaw, shall pay Two Shillings and Sixpence.

And we do hereby order and award, that all and every other the Money Payments, if any such there be, which have heretofore been paid (out of any Lands which have been at any time incroached from the open parts of the said District,) for the benefit of any Poor, or use of any School, shall for ever be continued to be paid unto the persons hereinbefore appointed, within the respective Constableries, in trust for the uses and purposes aforesaid."

#### *Width and Repairs of Ditches.*

"And we have set out and do hereby order and award all the Fence Ditches on the East side of Rudding Road, of the width of Three Feet, and all the Fence Ditches on the West side of the same Road, of the width of Five Feet, to be

measured from the lines staked out, and that all the said Ditches, shall, from time to time, be well and sufficiently kept open and scoured, and that sufficient Bridges of Brick or Stone shall be made over the same, in the Gatesteads leading into every respective Allotment, by the Owner or Occupier thereof respectively, so that the water may freely pass along the said Ditches.”\*

*Use of Herbage of Highways, &c.*

“And we order and award that no person whatever except the Surveyors of the Highways, for the use of the said Roads and Highways, shall dig up or carry away any Turves, Peats, Earth or Soil, within any of the said Roads or Highways. And that the Herbage of the said Roads and Highways shall be let at public Auction, on every 25th Day of March, by the Surveyor of the Highways of the respective Constableries, for the time being, and that the Money arising therefrom shall be applied by the said Surveyors, in repairing the Roads within the respective Constableries.”

EXTRACTS FROM THE THIRD INCLOSURE ACT.

---

This being an Act for reviving certain Powers granted by the Two former Inclosure Acts, and for making them more effectual, Clause 9 recites “That by the said Act of the 10th Year of His Majesty’s Reign, a certain Spot of Waste Land containing Two Hundred Acres, adjoining or near to certain Wells or Springs of Medicinal Waters, called Harrogate Spaws (to which, during the Summer Season, great Numbers of Persons, did then and do still resort to receive the Benefit of the said Waters,) was directed to be set out by the said Commissioners therein named, and such Number of Cattle belonging to Freeholders and Copyholders of the Constableries of Bilton-with-Harrogate and Beckwith-with-Rossett, or either of them, was to be kept thereon as should be (and as hath accordingly been) specified in the said General Award of the said Commissioners; and it was by the said Act enacted that the said spot of Land should for ever thereafter remain open and uninclosed, and that all Persons should have, use, and enjoy full and free Ingress, Egress, and Regress, in, upon, and over the same; but by reason no sufficient Powers or Directions were granted or contained

\* As this order only applies to *Allotments*, the Owners of *Old Inclosures* are only entitled to Five Quarters or Forty-five Inches, for the Ditches of such Old Inclosed Land.

in the said Act, for levelling or draining the said spot of Land, or for planting or otherwise improving the same, the said Land hath not afforded to the Persons resorting to Harrogate for the benefit of the said Waters, the Benefits by the said Act intended; nor were any Provisions made by the said Act for securing the said Springs of Water from Pollution or other Injury."

"And whereas there are lying open and contiguous to the said spot of Waste Land, several small Slips of Ground on the sides of several Roads there, containing by Estimation Fifteen Acres and upwards, the Property and Soil whereof appertain to His Majesty, as parcel of the Honor of Knaresborough: and in order that the said spot of Waste may be gradually improved by Inclosure, and Trees planted thereon for shelter and ornament, without diminishing the quantity of Two Hundred Acres, by the said Act directed to be left open for the purposes aforesaid, His Majesty is graciously consenting that the said Slips of Ground shall be united to the said Spot of Waste Land, and be deemed and taken as Part thereof. Be it therefore enacted, that the said Slips of Ground shall become, and from henceforth be and for ever remain subject to all and every the same Uses and Purposes as the said Spot of Waste Land, is, by virtue of the said Act, or otherwise howsoever subject and liable to, and shall be united therewith, and considered and taken as Part thereof, to all Intents and Purposes whatsoever."

*Commissioners to make Rules for Managing Stray and Protecting Springs.*

Clause 10, enacts, "That the said Commissioners or any Two of them, shall, and they are hereby authorised and required, by writing under their Hands, to make such Rules, Orders and Directions, (not being repugnant to Law,) as well as for preventing and punishing any Abuses, by turning or keeping of Cattle on the said Spot of Waste Land, augmented as aforesaid, contrary to the Stint limited in that Behalf by the said General Award; as also for draining, or levelling, or otherwise improving the said Land, by planting Trees thereon, for Shelter and Ornament, and making Walks and Paths, in, on, or over the same, and for protecting the said Springs called Harrogate Spaws, from Pollution or other Injury, as they shall think best adapted to secure to the Persons resorting to the said Waters the several Benefits intended them by the said Act, and for inflicting such moderate Penalties for any wilful, Breach, Disobedience, or Non-observance of such



Rules and Orders respectively, not exceeding Forty Shillings for any one Offence, as the said Commissioners, or any Two of them shall think reasonable and expedient," to be recovered in manner therein mentioned.

*For vesting a Power to alter Rules after Authority of Commissioners ceases.*

Clause 11 recites "That the Rules and Orders to be made by virtue of this Act, touching or concerning the said Spot of Waste Land augmented as aforesaid, or for the Protection of the said Springs, may, after the authorities given to the said Commissioners by this Act shall have expired, require Alteration or Enlargement:" Be it furthur enacted, "That from and after the Powers of the said Commissioners granted by this Act shall have ceased, it shall and may be lawful to and for the Court of Duchy Chamber of Lancaster, upon the Application in a Summary Way of the Owners of the greater Number of the Cattle-gates upon the said Spot of Land, to vary, alter, or enlarge, all or any of the said Rules or Orders, as the said Court, shall, from Time to Time think expedient."

*Restrictions as to Rules.*

Clause 13 provides and enacts "That nothing herein contained shall extend, or be construed, deemed or taken to extend, to give to, or vest in the said Commissioners, or any two of them, or the said Court of Duchy Chamber any Power or Authority to *change*, vary, or alter the Rule for *stinting* the said Land as prescribed or provided by the said General Award, nor to assess, charge, or subject any Person or Persons whatever, to or with the Payment of any sum or sums of Money, in or about, or by reason or means, or on account of the draining, levelling or planting upon the said Land, or other Improvements thereof, or for protecting the said Springs of Water, or other matter directed to be done by any such Rules, Orders or Directions, to be made or given as aforesaid, save only to the laying out and expending such sums of Money as any Person or Persons shall voluntarily contribute to the expenses incident to such Improvement as shall be directed to be made by or in pursuance of any such Rules, Orders, or Directions."

*Ground Inclosed not to exceed Two Hundred Acres.*

Clause 14 provides and directs "That the Ground to be taken up and inclosed from the said Spot of Waste Land, and the said Slips of Ground, so aforesaid added thereto,



whether it be for the Purpose of a gradual Improvement of the whole, or for raising and proteeting any Trees thereon or for any other Purpose whatever, shall in no wise, at any one Time, exceed the Quantity which the whole shall be found on Admeasurement to exceed Two Hundred Aeres, Roads and Paths included; and for the certainty thereof, the said Commissioners or any Two of them, are hereby authorised and required to make an exaet Survey and Admeasurement thereof and to file the same amongst the proceedings of the Courts of the Honor of Knaresbrough, for the safe Custody thereof, and inspection of all Parties concerned."

---

Owing to the Rules and Orders directed by the last mentioned Acts to be made for the above-mentioned purposes, not having been made, (all the Commissioners appointed under the four Acts, having died,) and the imperative necessity that existed for certain Powers being vested in proper persons for proteeting the Springs of Medicinal Waters, and for improving the Stray, the Inhabitants of High and Low Harrogate, in the Autumn of 1840, determined to apply to Parliament for sufficient Powers for those, and other purposes, and the result was the obtaining, in the Session of 1841, an Act, 4 Victoria, cap. 16, intituled, "*An Act for Improving certain Parts of the Townships of Bilton-with-Harrogate and Pannal, called High and Low Harrogate, in the West Riding of the County of York; for protecting the Mineral Springs, and regulating the Stinted Pasture in the said Townships,*" a verbatim Copy of which preceeds these extracts.

## LIST OF PRESENT STRAY OWNERS,

MARCH, 1845.

| NAMES AND RESIDENCE.                                      | NO. OF<br>GATES. |
|-----------------------------------------------------------|------------------|
| Benn, Mr. Jonathan, Harrogate.....                        | 4                |
| Brown, Fountaine Esq., Harrogate.....                     | 2½               |
| Carter, Mr. Nicholas, Harrogate.....                      | 1                |
| Dearlove, Mr. John, Harrogate.....                        | 2                |
| Dalby, Peter, the Devisces of, Harrogate.....             | 1                |
| Dinsley, John Esq., Harrogate.....                        | 1                |
| Emmatt, Thomas, the Devisces of, Harrogate.....           | 1                |
| Franklin, James Esq., the Devisces of, viz:—              |                  |
| The Rev. William Harris Murch, Stepney Green, Lon-        | 4                |
| don, and Henry Gandy, Esq., Plymouth.....                 |                  |
| Frith, Mr. Thomas, the Devisces of, viz:—                 |                  |
| Mrs. Jane Frith, Regent's Park, London, and Mr. Charles   | 2                |
| Ade, Willenden, Sussex.....                               |                  |
| Fletcher, Mr. John, Harrogate.....                        | 1                |
| Grimstone, Thomas Esq., the Devisces of, viz:—            |                  |
| Charles Oxley, John Hodgson, and Henry Fynes Clin-        | 1½               |
| ton, Esqrs., Ripon.....                                   |                  |
| Greeves, Mr. Alfred.....                                  | 1                |
| Gascoigne, Mr. John Turner, Harrogate.....                | ½                |
| Hall, Mr. Thomas, Harrogate.....                          | 1                |
| Harrison, Mr. William, Harrogate.....                     | 1                |
| Kennion, Rev. Thomas, Harrogate.....                      | 1½               |
| Lupton, Mr. Marmaduke, Harrogate.....                     | ½                |
| Mitton, Rev. Henry, Market-Weighton.....                  | 2                |
| Paley, John Green Esq., Harrogate.....                    | 2                |
| Powell, Mr. Samuel, Jun., Harrogate.....                  | 1                |
| Richardson, Robert, Esq., Harrogate.....                  | 3                |
| Sheepshanks, William Esq., Harrogate.....                 | 4½               |
| Raper, Mr. Charles, Pannal.....                           | 1                |
| Robinson, Mr. Thomas, Harrogate.....                      | 1                |
| Thackwray, Mr. Joseph, the Devisces of, Low Harrogate ..  | 1                |
| Watson, Miss Georgiana Farsyde, Bilton Park.....          | 1½               |
| Wormald, Mr. Croft, Devisee of viz:—                      |                  |
| Mrs. Dew, Halifax.....                                    | 1                |
| Williamson, Mrs. Dorothy, Hollings, near Harrogate.....   | 1½               |
| Wilkinson, Mr. Joshua Hardisty, Spacy Houses, Harrogate.. | 1                |
| Wilkinson, Mrs. Ann, Harrogate.....                       | 1                |
| Waite, Mr. Joseph, Jun., Harrogate.....                   | 1                |
| Whincup, Mr. Richard, Harrogate.....                      | 1                |









